



저작자표시-비영리-변경금지 2.0 대한민국

이용자는 아래의 조건을 따르는 경우에 한하여 자유롭게

- 이 저작물을 복제, 배포, 전송, 전시, 공연 및 방송할 수 있습니다.

다음과 같은 조건을 따라야 합니다:



저작자표시. 귀하는 원저작자를 표시하여야 합니다.



비영리. 귀하는 이 저작물을 영리 목적으로 이용할 수 없습니다.



변경금지. 귀하는 이 저작물을 개작, 변형 또는 가공할 수 없습니다.

- 귀하는, 이 저작물의 재이용이나 배포의 경우, 이 저작물에 적용된 이용허락조건을 명확하게 나타내어야 합니다.
- 저작권자로부터 별도의 허가를 받으면 이러한 조건들은 적용되지 않습니다.

저작권법에 따른 이용자의 권리는 위의 내용에 의하여 영향을 받지 않습니다.

이것은 [이용허락규약\(Legal Code\)](#)을 이해하기 쉽게 요약한 것입니다.

[Disclaimer](#)

Degree of Master of International Studies
(International Area Studies)

Cambodia's Stand Towards
South China Sea Issue

August, 2017

Development Cooperation Policy Program
Graduate School of International Studies
Seoul National University

TRALONG PANNHAROTH

Cambodia's Stand Towards South China Sea Issue

A thesis presented

by

TRALONG PANNHAROTH

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Master of International Studies

**Graduate School of International Studies
Seoul National University
Seoul, Korea**

August 2017

The Graduate School of International Studies
Seoul National University

THESIS ACCEPTANCE CERTIFICATE

The undersigned, appointed by
Development Cooperation Policy Program
The Graduate School of International Studies
Seoul National University

Have examined a thesis entitled
Cambodia's Stand towards South China Sea Issue

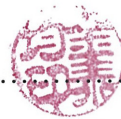
Academic Advisor: Professor **ERIK MOBRAND**

Presented by **TRALONG PANNHAROTH**

August 2017

Candidate for the degree of Master of International Studies
that is worthy of acceptance

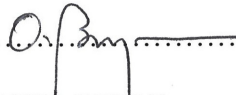
Signature



Committee Chairman

KIM TAEKYOON

Signature

.....


Committee Vice-Chairman

BYUN OUNG

Signature



Committee Member

ERIK MOBRAND

Abstract

Cambodia's Standard towards South China Sea Issue

TRALONG Pannharoth

International Area Studies

Graduate School of International Studies

Seoul National University

The Great Khmer Empire, today known as Cambodia, made a great leap of its civilization from the 9th century to the 15th century, a regime that established masterpiece of constructions across Cambodia and some parts of its neighboring countries, unique cultural influences and a hub of regional trade. Such a great civilization, however, did not last long and the question remains unanswered why the Great Khmer Empire declined so dramatically.

In the last three decades, Cambodia has still greatly suffered in deep conflicts, social fragmentation and political turmoil resulting from competing political influences of super-power countries and its own extreme pure society ideology – the Khmer Rouge. Recovering from those nightmares, Cambodia is now enjoying great political stability comparing to her neighbors, has integrated itself into regional and international communities; and steps forward toward economic development with GDP growth of 7 percent annually (World Bank, 2015).

Although the country is now on the right path, there are many regional issues and Cambodia has yet to secure its role in Southeast Asia. The South China Sea Issue remains a fundamental issue that recently has divided the unity of ASEAN, which failed to issue a joint communiqué for the first time in its 47 year history. In addition to that, the South China Sea Code of Conduct (COC), for example, which was initiated in

2002 during Cambodia's Chair of ASEAN Summit and the Declaration of Conduct (DOC), a milestone promoting regional stability and peace, during its chair of ASEAN Summit in 2012 remains in limbo resulting from poor cooperation and the unwilling of concern parties to reduce their differences. Again the ASEAN Summit in Laos 2016, Cambodia is accused of being bought by China for its stand opposing strong language in the joint-communiqué condemning China military activities and urge the immediate implementation of the court verdict which favored the Philippine, decades closed U.S. ally and supportive strategic partnership of U.S. Pivot Policy towards Asia. These differences have led to the suggestion of "Cambodia Exit" from ASEAN, claiming it's the only one that opposes the ASEAN Unity, but others questions if ASEAN is created to serve the interest of the only big and powerhouse ASEAN Member States? Other questions what ASEAN contribute to Cambodia or its ASEAN Member States and what is the worth of staying? With no conflict of interest over the pool of territory disputes, Cambodia has been given a significant opportunity to test its ability promoting its minimizing any damages to regional peace and stability, but hasn't produced any remarkable achievement so far. These suggest the research to focus on its foreign policy and to what extend it can pursue interest and role in regards to the South China Sea Issue.

This paper examines Cambodia's foreign policy and its stand, the opportunities and challenges that could navigate both regional and global political environment to fulfill its national interests. Also, it seeks to explain the importance of its initiative effort in regional issues – the South China Sea – to influence its policies and maintain its position based on its principle of neutrality and non-alliance, and at the same promote regional peace and stability. The study then hypothesizes the implications and challenges of Cambodia's foreign policy within degree of its capacity to maximum interests Cambodian can pursue responding to the South China Sea Issue and today political challenging context.

Keywords: South China Sea Issue, Cambodia's position in South China Sea, Cambodia's stand in SCS, Cambodia's relation with China and US, Cambodia-China relation, ASEAN-China relation toward SCS.

Student Number: 2015-25112

Table of Contents

I.	Introduction	
	a. Logic of This Dissertation -----	1
	b. Research Questions -----	6
	c. Theoretical Framework and Hypotheses -----	6
II.	Cambodia and ASEAN	
	a. Literature Review -----	8
	b. ASEAN Charter: Non-Interference Principle -----	13
	c. Cambodia Clashed with Thailand over Preah Vihear Temple -----	18
III.	The South China Sea Issue and Its Root Causes	
	a. The South China Sea and International Law -----	23
	b. Dispute Parties and Their Overlapping Claimed -----	28
	c. Military Build Up and Confrontation -----	31
	d. The U.S. Pivot Policy to Asia: Constructive or Divisive? -----	34
IV.	Cambodia's Stand towards South China Sea Issue	
	a. Flexible Engagement and Non-Interference: Cambodia's Official Position -----	37
	b. Cambodia Internal Political Pressure -----	38
	c. Cambodia's Relation with China and the U.S. -----	40
	d. Strategic Cooperation: Rebalancing Cooperation between China and U.S. -----	43
V.	Analysis Assessment on Cambodia's Stand on the South China Sea Issue	
	a. Cambodia's Position and Initiated Peaceful Resolutions	
	i. Declaration of Conduct -----	45
	ii. Code of Conduct -----	47
	b. Cambodia National Interest with China -----	49
	c. Perspective of Cambodian Scholars and Policy-Makers -----	50
VI.	Conclusion and Policy Recommendation -----	54
	References -----	56

List of Abbreviations

AFM	ASEAN Foreign Ministers
AMM	ASEAN Ministerial Meeting
ARF	ASEAN Regional Forum
ASEAN	Association of South East Asian Nations
ASEAN-PMC	ASEAN Post Minister Conference
ASEM	Asia Europe Meeting
ASEAN-SOM	Senior Official Meeting of ASEAN
CSCAP	Council for Security and Cooperation in the Asia Pacific
DAC	Declaration of ASEAN Concord
DOC	ASEAN Declaration on the Conduct of Parties in the South China Sea
EEZ	Exclusive Economic Zone
FDI	Foreign Direct Investment
ICJ	International Court of Justice
JWG	ASEAN-China Joint Working Group
PLA	People's Liberation Army of China
PMCs	Post Ministerial Conferences
SCS	South China Sea
TAC	Treaty of Amity and Cooperation in Southeast Asia
UNCLOS	United Nations Convention on the Law of the Sea
UNGS	United Nations General Assembly
UNSC	United Nations Security Council

I. Introduction

a. Logic of dissertation

Before discussing about Cambodia's position in South China Sea Issue, there is a necessary to brief about Cambodian foreign policy which started from its post independent from the French Protectorate in 1953 after campaigns across the country leading by a young King, Prince Norodom Sihanouk. After receiving the independent from the French Protectorate which that time colonized part of Indochina, including Laos and Vietnam, in 1955s Prince Norodom Sihanouk had abdicated, placed his father King Norodom Suramarit on the throne and officially enter politics at the head of his own political party, which would give its name to that era in Cambodia: the Sangkum Reastr Niyum, or People's Socialist Community, the golden era in modern Cambodia and during his leadership Cambodia was considered as the hub of Asia ranging from stylish Khmer architects; very first healthcare service in the region, entertainment and arts; and quality education, but sadly this golden area won't last long. Prince Norodom Sihanouk had tried to maintain the neutrality of Cambodia from the competing power of the two super power countries – the Soviet Union and the United States. When the U.S. backing South Vietnam and waged war with North Vietnam, Cambodia was in hot spot and urged to choose side, but again Prince Norodom Sihanouk still maintain his neutrality, but secretly helping supply North Vietnamese soldiers in an exchange for financial assistance when country facing serious financial crisis and budget deficit. Cambodia's neutrality during that time was shaking in between of the shifting world order and turmoil, including the rebel known as Khmer Rouge backed by Vietnam; and later in 1970 Prince Norodom Sihanouk was removed from the power; and the new republic government was formed leading by Prince's General, Lon Nol, under the support of the United States.

The Vietnam War was escalating to Cambodia's doorstep leading to carpet bombing of American on Cambodia from early of 1969s to late 1973s killing more than a half of million Cambodian people and bombed Cambodia to the ground twice more than it dropped on Japan in World War II. The carpet bombing targeting Viet Cong soldiers, but killed only innocent Cambodian people leading to massive migration into the city, including growing anger against the Americans. The Khmer Rouge rebels supported by the Vietnamese started its propaganda exploiting the situation by using the name of the Prince Norodom Sihanouk calling people into forests in order to kick out the American soldiers and its puppet regime – the Republic of Cambodia. Prince Sihanouk who was on self-exiled in China endorsed the Khmer Rouge campaign without expecting any worse case scenario, and fruitfully the Khmer Rouge marched to Phnom Penh in 1975 eliminating all Lon Nol's soldiers and called for an immediate people evacuation from Phnom Penh warning U.S. b-52 bombers approaching. After taking full control of the country, many scholars and diplomats were called back home to rebuilt the country, but end up in secret executions upon their return while the Prince Norodom Sihanouk and his families were locked up in his palace in Phnom Penh for months before escaping to China.

The Khmer Rouge was considering the disaster in modern Cambodia after its decline – the Great Khmer Empire – since late 15th century. About 2 million Cambodian lives lost resulting from execution, starvation, forced labor and illness while country's economy ranked zero beside only producing rice milk and with little open to the world. The regime which once was supported by Vietnam turned to side with China and regard Vietnam as its target of elimination after its own Khmer people. The regime came to an end when it wage war with Vietnam in 1979 and in January 7, 1979 Vietnam armies invaded Cambodia pushing the Khmer Rouge soldiers to the retreat next to Cambodian-Thai border. The Khmer Rouge and the proxy wars were put to bed when the United Nations Transitional Authority in Cambodia (UNTAC) organized the first ever free and fair general election in Cambodia after the political turmoil was over.

Though Eastern part of the country remained to be the strong hold of Pol Pot's soldiers, but the light of coming to power was impossible until itself failed to survive in late 1997 when Cambodia's government implemented reconciliation policy allowing Pol Pot's soldiers into the country's defense forces without any punishment, except its top leaders.

Almost half a century later, Cambodia itself is still struggling to find its own way of international community recognition in the shifting world order and steps forward the progressive path and advance itself into a prosperous nation. The vulnerable geopolitics and the running up for political influence by the superpower countries are also the fact contributed to Cambodia's great suffer since its pre-independent when both Japanese and French armies fighting over the administration on Cambodia. Those suffers is likely the lesson learnt for Cambodian elite to carefully choosing side for its surviving from the containing of both sifting of world order and its neighbors – Thailand and Vietnam. These also, as a matter of principle, shape the foreign policy of Cambodia especially its neutrality which is also stated in the Constitution denouncing taking side or allowing foreign military bases on its territory.

After the political turmoil and proxy wars were put to rest, Cambodia kicked of its actively bidding for the membership in the Association of the Southeast Asian Nations (ASEAN), but sadly rejected and blocked by some of ASEAN founding members for years claiming Cambodia has no shared value. It eventually granted the membership in ASEAN in 30th April 1999 after spending years as Observer State. Cambodia then open up a new chapter and its new face to the world ranging from foreign direct investment and connectivity to tourist destination in the region with its golden era legacy of the Great Khmer Empire – the Angkor Wat Archeological site.

The ASEAN block presents Cambodia with great opportunities and also an international shield protecting Cambodia from foreign political influence, including

great connectivity and shared economic interest, Cambodia is eager to find itself a place to prosper and live on its feet. ASEAN Way – none interference policy – also an icon attraction not only for Cambodia, but also other Asian countries to bid for the membership since it will give each ASEAN Member State a full control and sovereignty over their respective country, to name a few.

Yet again the nightmare is more than the shadow haunting all around when the then U.S. Secretary of State Hillary Clintons publicly U.S. shifting its interest – the American Pivot to Asia – to Asia, the South China Sea issue is emerging and escalating amid tension between ASEAN Member States that benefits economic and investments from China; and those that strategically and economically benefited from the United States. Until 2012, when Cambodia was the Chair and hosted the ASEAN Summit in Phnom Penh, the joint communiqué was failed to issue for the 47 years of history when the Philippines and Vietnam – the hardliner and the two of out the four dispute parties in the South China Sea – strongly demanded to include the South China Sea. Cambodia was labeled as the Chinese puppet acting in the interest of China and has been trying to divide ASEAN, including the recalling diplomat from the Philippine after both countries officials exchanged series of pieces on newspapers accusing each other of playing dirty politic placing national interest above association concern. The tension within ASEAN Member States remains its heat until Cambodia initiated the Code of Conduct (COC) to supplement the failure of the joint communiqué, a move and a please that hardly be satisfied.

Since the very beginning, Cambodia expressed her strong position over the South China Sea by bearing its neutral foreign policy and ASEAN none-interference principle; and has been urging dispute parties to deal the issue bilaterally for the sake of regional peace and stability. Cambodia is likely reluctant to involve itself into the issue viewing it as not an issue between ASEAN and China, a clear picture of its proposition in compliance to the ASEAN Charter and the so-called, ASEAN Way. The

issue is spreading when disputed parties Navy Vassals speed up into the disputed water, including protests of activists and fishermen of each dispute party. The Philippine, with the courage of the United States, brought the case to the International Court of Justice (ICJ) suing China over its claiming of grabbing offshore, an area believed rich in oil and resources worth billions of dollars. Recently, the court ruled in the favor of the Philippine while China blasted the court of binding no legal jurisdiction over the issue; and will never comply with the verdict. The United States again has been urging China to act in line with the court decision, especially the United Nations Convention on the Law of the Sea (UNCLOS) which the U.S. itself has never ratified it causing another diplomatic tension between China and the United States. With the courage of its historically ally and military muscle supplier, the Philippine take another sharp position demanding the endorsement of the court decision in the joint communiqué which is recently hosted by Laos as a Chair, but unsurprisingly objected. Cambodia is again in the center of the hot spot ranging from accusation of being the Chinese puppet to the proposed of Camexit, referring to the exit of the Great British from the European Union recently – a contrary and double standards to the case brought by Cambodia when the invaded Thai soldiers stormed its PreahVihear Temple which ASEAN, including the United Nations Security Council (UNSC) and the United States urged Cambodia to deal with Thailand bilaterally for the sake of regional peace and stability.

The difficulties and the need of foreign aids and investment to prosper its nation is likely the factor of Cambodia's strong position maintaining good relationship with Chinese, its biggest trade partners and aids while other ASEAN Member States enjoy the same benefits both economically and military, but face no accusations. Despite growing tension and accusation against Cambodia as the puppet or agent of China to break the unity of ASEAN, the question remains whether ASEAN is formed just to serve the interest of the powerhouse ASEAN Member States? If the possibility of Camexit resulting from its growing pressure and disagreement over involving ASEAN into the South China Sea, what has the toothless ASEAN provided to Cambodia's or

other ASEAN Member States' economic well-being so far? Since when has ASEAN Unity been unified or double standard of ASEAN None-Interference Principle applied? How much Cambodia's neutral position over the South China Sea is likely to hurt ASEAN as a whole? This paper seeks to answer those questions and enable readers to see issues in a bigger picture.

b. Research Questions

For the scope limitation to write this research paper, two main questions will be focused on:

1. What is the attitude of Cambodia's foreign policy toward the South China Sea Issue?
2. How necessary of its strategic cooperation and neutrality principle will promote Cambodia's interest and role in the ASEAN concerning the South China Sea Issue? Will this principle, at the same time, rebalance its diplomatic relation between the rising China and U.S.?

Interview Questions

1. What is Cambodia's position responding to South China Sea issue? To what extent can Cambodia, as a member of ASEAN, promote its role in this issue, by maintaining ASEAN Unity?
2. In 2022, Cambodia will be again the chair of ASEAN Summit. If South China Sea issue is escalating, what approach or mechanism Cambodia will consider to cold down the issue?
3. Both U.S. and China are the major donors and investment of Cambodia. How Cambodia rebalance the relationship with these two superpower countries?

c. Theoretical Framework and Hypotheses

This particular study therefore attempt to provide an in-depth understanding on the implication of Cambodia's foreign policy and its stand responding to the South China Sea Issue – the confrontation between China and other ASEAN Member States – and

emerging of regional issues ranging from territory disputes and refugees to climate change. It uses realist and liberalism paradigm to articulate Cambodia's foreign policies and the events that could produce significant impacts based on its interests promoting its influence and role in the region and international communities.

The study seeks to explain how Cambodia can broaden its approach to secure its interest and role in the emerging of regional issues like South China Sea issue and cross border issues while can still maintain its neutrality and non-interference principle. Most importantly, it also seeks to give analysis assessment of how the necessity of its strategic cooperation with the Asian giant – China– while rebalancing its diplomatic relation with the United States ensuring both its interest and good cooperation with the two superpower countries.

The methodology used for this paper consists of desktop research, literature reviews, government and academic publication and digital documents. Also, it will include precise interview session with Cambodian policy-makers and researchers regarding their perspective and policy concern of Cambodia's stand toward the South China Sea Issue.

II. Cambodia and ASEAN

a. Literature Review

The emerge of global and regional issues ranging from civil wars to refugees, including military confrontation over sovereignty claimed, have present great challenges to world leaders over their political willing and commitment to cold down the issues and provide the peaceful resolutions. South China Sea issue, for example, is one of the most rising issues in Asia after the power declined U.S. shifted its foreign policy concern – the U.S. Pivot Policy towards Asia – to encounter the rising power of China. Records of military confrontation and provocation have been reported between China and other claimant states and yet still no common agreement is reached. There is active involvement, although, of regional block – ASEAN – and series of agreement on the issues have been produced so far like the South China Sea Code of Conduct (COC) which initiated in 2002 during Cambodia Chair of ASEAN Submit and the Declaration of Conduct (DOC), a milestone to promote regional peace and stability, during its chair of ASEAN Submit in 2012, but still cannot convince the claimant states to reduce their differences and work together for the mutual interest and regional peace.

The potential conflicts and the tension over the South China Sea has originally arisen from a complex series of overlapping claim over islands and water that rich in oil, natural gas and the freedom of navigation. In 1995, the study made by Russian's Research of Geology of Foreign Countries estimated that the equivalent of 6 billion barrels of oil and natural gas might be located in the Spratly Island, a claimed island between China and Vietnam. Similarity, the Pan Shiyong of the Foundation for International and Strategic Studies in Beijing estimated that oil and natural gas reserves in the Spratly islands account to 17.7 billion tons which ranks fourth in the world after Kuwait. The U.S. Geological Survey also estimated that about 60 to 70 percent¹ of the regions 'hydrocarbon resources are gas making that surrounding area the lifetime of

¹The Spratlys: Challenges and Opportunity; The Manila Times: 2004; Internet: assessed on August 10, 2016.

each claimant states and shows no sign to back off. The Philippines has a similar interest and position to Vietnam for its economic development and interest; and with the backup of the U.S., the tension increases and each party claims to own that sovereignty regardless of negotiation and peaceful resolutions. The control of the Spratly and other areas in the South China Sea is vital for claimants' economic interests which matches to the Realist Theory which claims the conflicts arise from struggling to expand for larger land and resources for the need of the country or in other words, the economics is the root of claimants' extreme and aggressive stand which is the most divided issue of the conflict (Phanna 2012).

As a matter of fact, the relationship between China and ASEAN has been doing pretty well in terms of economic cooperation despite territorial dispute and military tension with some of ASEAN Member States – Malaysia, Vietnam, Philippines. Yet China is growing political and economic domination over these countries as the result of America's switching its policy focused to Asia since 2011. ASEAN, however, maintains its crucial role in maintaining regional stability by addressing peaceful resolution rather than dealing the issues with military forces. The conflict emerges as the result of power shifting between China and the United States leading to an arms race in ASEAN as each country is increasing double its national budget spending. These present great challenges to deal the South China Sea issue peacefully and based on ASEAN Way (SOCHEAT 2014).

As a matter of fact, ASEAN has no military option either; and almost no any of ASEAN Member States are willing to risk hostilities with China, not to mention any possible economic sanctions or other means of punishment. As the result, instead of issuing a joint-communiqué with pretty strong language expressing its serious concern, the joint-communiqué urges involvement parties to deal the issues peacefully through ASEAN and international mechanism and avoid taking any provocation that destabilize the region and threaten the peace and security of the South China Sea. It's

likely believed that the South China Sea is at its far beyond the sovereignty and nature of law. According to some experts, there are two possible sets of law to contend with this hot issue. The first one is an older form governs an easy known as “historical claims”, to territory and the second form is the newer form which were defined by the United Nations Convention on the Law of the Sea (UNCLOS), stated its legitimate governs any form of maritime claims that can be measured from territorial claims. These two sets of law perhaps don’t land as expected or simply saying won’t help much in dealing the issue. ASEAN cannot agree on anything or even what was stated in this law because Member State has its own definition and different perspective; and the decision must be the consensus. It’s all national interests and pursues their national interest first before regional influence and interests. Very few members are willing place regional interests above their national interest, but others remain as shadow while elite of each ASEAN Member States, except Vietnam, Laos and Brunei is subjected to be elected every four years term. The Chinese is likely understand ASEAN’s weakness pretty well and have being working so hard to minimize any possible combined ASEAN activity on the disputes area. Some ASEAN Member States see no interest in the issue, few obligations to the concern countries and enjoy the benefits of Chinese trade and investment. ASEAN has never been united as the result of national interest and geopolitical priority (HAYTON 2014).

The issue has remarkably testing the unity of the ASEAN Member States, but sadly it has divided its members into different groups based on their interest and foreign policy principle. In 2012 of ASEAN Submit in Phnom Penh, hosted by Cambodia, ASEAN Member States failed to issue a join-communicé for the first time in its history over their stand on the South China Sea Issue causing diplomatic tension between the Chair Cambodia and the other two members – the Philippine and Vietnam. Cambodia was painted and made headline in local and international medias for its poor leadership and bias toward its major aid and economic partner – China – forcing it to replace the Ambassador to the Philippine before the term ended; and also exchanged sharp common over the issue with Vietnam. Again, recently ASEAN Submit in Laos,

Cambodia was also accused of blocking the statement strongly express concern over the escalation and the development of issues especially over the court rule in the favor of the Philippine in regards to the South China Sea issue; hours later the Prime Minister of Cambodia, Hun Sen, signed the unconditioned aid of 600 million dollars from China making the accuse seems more rational and logic, but the Royal Government of Cambodia still maintains its position and suggest the peaceful mechanism following the existing principle and resolution of ASEAN – COC and DOC.

Defending his foreign policy assertion, Cambodia Prime Minister Hun Sen, announced that; “Cambodia has, again and again, became a victim of the South China Sea issue because of the unjust accusations.” He continued, “The Phnom Penh Fiasco’ – the failure to issue the joined communiqué – took place not because of Cambodia, but because they bullied Cambodia, referring to pressure from ASEAN claimant states – the Philippines and Vietnam – to incorporate their strong wordings in the joint communiqué. The Premier maintained that, “ASEAN is not a court. ASEAN cannot measure land for them... the South China Sea is not an issue between ASEAN and China...”²

Diplomatic stalemates between ASEAN and China as well as within ASEAN further exacerbate the uncertainty. The South China Sea has become what the Economist names a “sea of troubles”. China’s growing assertiveness has resulted in numerous confrontations within ASEAN claimant states, including military standoff with Vietnam and Philippine. Many explanations have been suggested to the China’s military and diplomatic posture on the South China Sea. Donald Emmerson, for instance, suggests that China’s increasing assertiveness derives from three fears and one project. These are fears of (1) the repetition of humiliation that China suffered

²Prime Minister Hun Sen's Remarks on the South China Sea Issue at the Graduation Ceremony of the Royal School of Administration 2016

throughout the 19th century by Western powers – Britain, France, and the U.S. entered China by crossing the South China Sea. The second is an attempt by external power, the U.S. in particular, to contain the rise of China which Beijing considers to be the country's righteous position in the world; and of course (3) the disaffection of the Chinese population over Beijing's handling of territorial integrity like Taiwan and Hong Kong, to name a few. Beside its fear, it's its project, the dream to establish a new Middle Kingdom and this hypothesis is rational when President Xi Jinping declared the "Chinese Dream" when he came to power in November 2012. Additionally, the American "pivot to Asia" also the factor contributed to such growing assertiveness in the region. At the ASEAN Regional Forum hosted by Vietnam in 2010, for example, The United States Secretary of State Hillary Clinton blasted Chinese military movement in the South China Sea and declared publicly the U.S. national interest in terms of freedom of navigation and flight in the South China Sea rising military tension between China and disputed countries; the Philippines and Vietnam have also been more assertive both in their bilateral negotiation with China and in using ASEAN as a regional bloc to pressure China. Cambodia's position on the South China Sea is (1) principally to continue the implementation of the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC); (2) encouraging ASEAN and China to make utmost effort finalizing the Code of Conducts (COC), (3) and enable the concern countries to solve the issue peacefully (Chanborey 2016).

These become the hot debate among policy-makers over the membership of Cambodia and the suggestion is simply the exit of Cambodia from ASEAN, a proposed that didn't state in the ASEAN Charter or simply concern if ASEAN was created just to serve the interest of the powerhouse countries. These issues and challenges make it worth to study and at the same time will enable readers to further understand the root cause of issues and potential narrative solutions; especially the position of Cambodia and its foreign policy towards South China Sea issue. In addition to that, it will give the perspective of ASEAN and its political unity of its Member States over regional issue

they will be facing – climate change, cross border issues, hydro dam projects, and human rights. The study will substantially contribute to further research over the issue and lesson learnt that will enable us to see the issue and possible solution in a bigger picture.

b. ASEAN Charter: Non-Interference Principle

The association (ASEAN) was created in 1967 aiming to form a bloc dealing with a variety of common interests ranging from trades, cultures and cross border issues. Some scholars positively believe that the nature of ASEAN's Way is at first and foremost rooted in the principle of Non-Interference Principal in domestic affairs of its ASEAN Member States (JONES 2010). ASEAN Non-Interference Policy, it can be assumed that, is the principal of conducting mutual states relations which has significantly contributed to today regional peace and stability. Principally and practically, ASEAN Member States are not encouraged to interfere in any of its Member State's internal affairs or even supporting political movement in its neighboring countries³. The Non-Interference Principle appears, however, increasingly undermined through the expanded of ASEAN memberships, including challenges of globalization, the demand for democracy are increasing, and the increasing pressure of international community and international norm which practically focus on human security more than on state-sovereignty⁴ or international security arena. In an increasingly interconnected world, ASEAN appears to be an emerge providing significant regional player on the international stage. Following its Non-Interference Policy, the association's conduct has at some point pressuring the issues in compliance to regional as well as global concern (STUBBS 2008).

The debate about ASEAN finds no time for a small break while its principle has in fact never been compulsory. ASEAN's function as a guiding light is especially

³DOSCH, J., "ASEAN's reluctant liberal turn and the thorny road to democracy promotion", *The Pacific Review*: 2008, pg.527-545.

⁴JETSCHKE, A. and J. RULAND, "Decoupling Rhetoric and Practice: the cultural limits of ASEAN cooperation", *The Pacific Review*: 2009, pg.179-203.

compromised in recent years through the adoption of a new policy of ‘flexible engagement and non-interference policy’ and a more assertive stance on human rights related issues and religious conflicts. “In the sense that public criticism of other states’ domestic affairs has become a frequent practice and a gradual shift toward humanitarian interventionism is taking place, ASEAN has moved beyond its non-interference policy as interpreted in the original way, but a looser version of the non-interference principle has continued to be an important restraint on ASEAN’s conduct in regional affairs. The original participating member-states include Thailand, Indonesia, Singapore, Malaysia and the Philippines. Rather than creating a military bloc like NATO does, these ASEAN Member States set out to establish a normative framework based on the principle of non-interference in order to prevent unwanted foreign intervention in the members-states’ domestic affairs”(DAVISON, and J. DOSCH Eds. 2009).“Founded during the Cold War, ASEAN’s primary aim was to prevent the region’s involvement in the great power rivalry between East and West⁵. Practically, the sovereignty norm was reinforced by a decision-making approach based on consultation and consensus, and a focus on the peaceful resolution of inter-state disputes. Southeast Asian regionalism thus served to prevent foreign interference and enabled the member-states to focus primarily on internal affairs. ASEAN was not designed to develop into a supranational institutional body, but rather as a forum for constructive dialogue among its member-states”⁶. In 1999, other five countries namely Brunei, Vietnam, Laos, Myanmar and Cambodia had joined the association in addition to the five original member states.

The original non-interference, but flexible engagement policy has become a wall to block ASEAN’s capacity to solve the region’s internal issue and external problems rather than military bloc, but a pool of sharing interest and common norm between the powerhouse and impoverished member states. The principle of non-interference is,

⁵ Ibid, pg. 190

⁶ Ibid, pg. 121-139

without a doubt or question, the original core foundation upon which regional relations between ASEAN Member-States are based, according to Keling. The principle was first lined out in ASEAN's foundation document, the Bangkok Declaration, issued in 1967 Bangkok Declaration expressing that ASEAN Member-States are determined to prevent external interference in order to ensure domestic and regional stability, a move which has both positive and negative effects. After the declaration in Bangkok, the policy was again discussed in the Kuala Lumpur Declaration of 1997. "It was further reinforced in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC), in which the principle of non-interference in members' internal affairs was explicitly referred to as one of the association's fundamental principles"⁷.

ASEAN is viewed, by large, as the talk shop rather than an influential bloc as the result of its Non-Interference Principle. The concrete explanation, however, why ASEAN chose the non-interference principle, rarely made and we first need to understand its geopolitical suffer over the competition of the imperialist countries. There are two, if not many, political factors have been critical in the development of ASEAN's normative framework or "ASEAN Way", and these factors are important for an understanding of why ASEAN has used the non-interference principle as its resolution preference involving disputes. The first factor is the particular importance attached to state-sovereignty by ASEAN Member States as the result of their geopolitical disadvantages. Colonial rule, Cold War experiences and frequent attempts by China to export communism all reinforced internal conflict and led the Southeast Asian⁸ to perceive sovereignty as a key element in ensuring regional as well as domestic stability, not to mention the U.S. carpet bombing Cambodia and Laos to the grown without the acknowledge of the international community, particularly the United Nations and its organs. "The second factor is the priority assigned to preserving domestic stability as internal security matters are considered to be of fundamental importance. This factor

⁷STUBBS, R; "The ASEAN Alternative: Ideas, Institutions and the Challenge to Global Governance." *The Pacific Review*, 2008: 451-468.

⁸ Ibid; pg. 51

stems from the countries' fragility of the social and political order, which has made the domestic field their main security focus.”

In principal and practical, it's an extensive consensus among policymakers and observers on the longstanding importance of the Non-Interference Principle of ASEAN in its involvement in its member states; the principle has never been absolute. In the pie of the theory and practice of ASEAN's Non-Interference Policy, some opposed ASEAN's principle in its member states affairs claiming the principle is inconsistent with the application of the policy and views the policy is a tool to legitimate state-behaviors and political elites⁹ rather than the interest of the bloc and its citizens. Some went on giving an example of the Cold War which experienced ASEAN interventions to contain radical communist movement that threaten the capitalist social order within ASEAN itself.

When the Cold War came to an end, new capitalist system started to emerge and free flow of investment and trade opportunities between countries and countries are at full speed. Still the manifold violations of ASEAN Member States, but despite it the Non-Interference Principle has nevertheless effects on ASEAN's Way of regional affairs and internal stability has always been given top priority As a matter of fact, ASEAN's political willingness presents the reluctance to interfere in its member states affairs, an approach that has been greatly influenced by a concern of preventing interference in its internal affairs.

The significant test on the Non-Interference Principle was the notable ASEAN's opposing stance when Vietnam invaded Cambodia in 1979 to topple the Khmer Rouge regime in its genocidal campaign against its own people. At that time, ASEAN formed international protest against Vietnam's invasion Cambodia. It's, therefore, it's

⁹ Ibid; pg. 12

inconsistent with the Non-Interference Principle that discourage the intervention in internal affairs of its member states.

Aside from its collective mechanism, the principle of non-interference also present great negative impact to the effectiveness of ASEAN framework and sometimes cause tension among ASEAN Member States. “In the early 1990s, with the end of the Cold War, Western countries’ foreign policy was increasingly characterized by the promotion of democracy and respect for human rights. This had a significant impact on ASEAN’s relations with the European Community and the US. The West demanded that ASEAN would be more compliance with those norms. However, ASEAN firmly rejected to adopt a policy stance more in line with ideals propagated by the West. Instead, as a response to the perceived normative assault, the ASEAN way was actively promoted as an alternative approach to regional cooperation based on shared values among Southeast Asian elites.” With respect for example, to Cambodia’s crisis in 1970s until 1979s any substantial discussion on the need to intervene was absent, and the humanitarian motivations of Vietnam’s intervention which crossed the line of humanitarian, but political interest, received virtually no sympathy from the ASEAN member-states.¹⁰ “In East Timor, there were many demands from political elites and citizens of the ASEAN member-states to stop the oppressive acts by way of undertaking collective action assisted by military force.”

ASEAN’s principle, as matter of fact, of non-interference has offered its member states to focus on building its own nation and ensure regional stability while can still maintaining cooperative ties with other ASEAN Member States and international community.

¹⁰HOURN, KAO KIM. *Asean's Non-Interference Policy: Principles under Pressure?* London: ASEAN ACADEMIC PRESS , 1998; pg. 25

“While ASEAN’s principle has never been an absolute or compulsory, and has often been used as a tool for legitimate state-behavior in the interests of both the political and economic elite, in recent years common interests have come to play a more important role in the association’s conduct of regional affairs. The increasing of interdependence among ASEAN Member States and the necessary of the good governance have been taken into account of the association to regain relevance and credibility among the region’s own citizens as well as on the broader global scene. In this respect, the principle’s function as a guiding light for the association’s behavior in regional affairs has become increasingly fragile in recent years. With its new policy of allowing for public criticism of other states’ affairs where regional security is at stake, together with a more assertive stance on human rights, ASEAN has moved beyond its traditional non-interference approach¹¹. Yet, the non-interference principle, as it is interpreted today, still acts as a comparatively strong restraint on ASEAN’s behavior in regional affairs. The principle’s guiding function is seriously undermined, but to date a new code of conduct as an appropriate replacement for the non-interference-policy proves difficult to develop in light of the continuing domestic instability in many of the member-states.”

c. Cambodia Clashed with Thailand over Preah Vihear Temple

The Khmer Empire ruled much of mainland Southeast Asia from the Ninth to the Fifteenth centuries of the Common Era. Its people were some of history’s most skilled and prolific builders in stone. Their large-scale creations – Angkor Wat is the best known – are commonly called mountain temples, because in height, mass, and mystical essence they evoke Mount Meru, the mist-shrouded home of the Hindu gods. The Khmer usually built on flatlands, but sometimes they made a mountain temple an

¹¹MiekeMoltho, “ASEAN and the Principle of Non-Interference” issued on February 8, 2012; available at <http://www.e-ir.info/2012/02/08/asean-and-the-principle-of-non-interference/>

extension of the real thing. At Preah Vihear, this approach reached its culmination. The temple stands atop a five-hundred-twenty-meter crag. Preah Vihear is one of the world's masterworks of religious architecture when Cambodia reached its great civilization during the ancient time. During the Khmer Empire's long rule over the Southeast Asia, Preah Vihear temple was known as a font of miracles, a place where Shiva appeared to the faithful. Priests and commoners came in pilgrimage from the faraway capital, Yasothak borak or Angkor, to pay their respect and tribute. Sadly after the Khmer Empire dramatically declined in late 15th century, parts of its land and temples are now in Thailand, Laos and Vietnam.

Preah Vihear temple, the Cambodian architecture when it was powerful and prosper, sometimes causes violent feud since Thailand shows no sign to back off over the demand over the ownership of the temple and the land around it. The struggle at the temple can be seen as the latest round of a process that has been reshaping Southeast Asia since the peak of Khmer imperial glory in the Twelfth Century: the expansion of Thai and Vietnamese states at the expense of the Khmer state. This history colors the consciousness of today Cambodians, who tend to see the temple as their generation's hold-at-all costs front in the long conflict.¹² A 1962 World Court decision awarding the temple to Cambodia did nothing to calm the emotions and clashes between the two countries. In 2008 and again in 2011, bullets, rockets and artillery shells flow for days; and Thai shells inflicted jagged wounds on some of the ancient stones cause damages to the temple and Cambodian villages. Across the border, a vocal segment of Thai society contends that the temple is Thai property stolen by Cambodia through the World Court and it worth going to war to regain.¹³

"It will be necessary quite simply to examine the joint map of the treaty, the map that's valid", said Cambodian Foreign Minister Son Sann, at the start of talks about Preah Vihear with Thai officials in 1958. "There are difficulties because the maps were

¹² Burgess John, "TEMPLE IN THE CLOUDS: Faith and Conflict at PreahVihear", Bangkok: Bangkok Printing Co., Ltd., 2008, pg. 10

¹³Ibid, pg. 11

created by France, colonial France... I admit the existence of the French map. You use it, that's your right. [But] I can't acknowledge that it's fair", said Thai Foreign Minister Prince Naradhip Bongsarabandh, responding to the Cambodian side. The case went on and Prince Norodom Sihanouk, the Cambodian King, went on from county to county campaigning to pressure Thailand to withdraw its troops from Preah Vihear temple of Cambodia. During that time leaders of the two countries exchanged accusations admitting the war of words through newspapers and radios. Thais wisely considered Sihanouk to be mentally unbalanced, a liar and closet communist. Cambodians saw Phibun, the man who had overseen an invasion of their country in 1941, as scheming to do the same again. Stronger vitriol was saved for Sarit Thanarat, the army officer who overthrew Phibun in 1957.¹⁴

With the Thais settled into Preah Vihear and showing no interest in talking about it, Prince Norodom Sihanouk and his cabinet began mulling what other strategy might work. Thailand was clearly the superior military and diplomacy was having no effect. But Cambodia went over Thailand's head and put the dispute before the International Court of Justice (ICJ).

On June 15, 1962 the court's decision was announced. The verdict reads out loud by Chief Judge Winiarski of Poland, "The court, by nine votes to three, finds that the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia. Thailand was under obligation to withdraw any military or police forces, or other guards or keepers, stationed by her at the Temple, or in its vicinity on Cambodian territory. By seven votes to five, the judges ruled that Thailand was also obliged to return any sculpture, inscription stones and other object that had been taken from the temple since 1954." The decision of the court made outcry Thailand and its top leaders. Thailand's Prime Minister Sarit Thanarat, reacting to the World Court's decision by

¹⁴ Despite his unhappy history *vis-à-vis* Cambodia, Phibun fled to Cambodia upon his fall. Sihanouk's government put him up in a guesthouse before his departure to long-term exile in his wartime ally Japan. He died there in 1964.

saying, “We will shoot to kill as they approach the frontier!” referring the Cambodian officials who will come to take full control over Preah Vihear temple. This arrogant and encroachment attitude at the expenses of Cambodia won’t exhausted, a few hours later street in Thailand were filled with protesters petition the Palace and the Prime Minister Office demanding absolute everything Thai’s government can to control Preah Vihear, including going to war with Cambodia. General Praphas, the Interior Minister, raised the so-called, he described as imperialist complaint. He claimed, “The court took as basis for its judgment a map forced upon us at gunpoint by French with gunboats.”¹⁵ Thailand also angered judges in the Court and even banned legal counselors of Cambodian team – Dean Acheson – from entering its country, not to mention its provocation and threatens to drop out of an international conference in Geneva as well as wage war with Cambodia. Thailand’s sentiment continues, Sarit was air nationwide saying, “The Thai people will always remember that the temple of Phra Viharn was robbed from us by the trickery of those who disregard honestly and justice. Beloved Thai brethren, one day in the future, the temple of Phra Viharn shall return to the Thai nation’s fold.”

The conflict still occurred even Thailand announced that it will complies with the court decision. Thailand didn’t withdraw its soldiers far from the temple as drown in the 1907 map or what the Thai politicians also exploit for political interest, the so-called “4.6 square kilometers”, but instead set fence within Cambodian territory south of the 1907 map’s border causing further dispute and exchanges of fire from both sides. On the Thai-Cambodian border, skirmishes frequently broke out. In 1966, the fighting flared at the temple itself when about a hundred Thai troops attacked a border post at Preah Vihear, captured five men and occupied the temple, not to mention Thailand military assistant guerrillas to instabalize Cambodia and the newly built barbed wire fence atop the mountain. The Preah Vihear temple won’t be a peace as it’s built for by Cambodian ancestors.

¹⁵ Ibid, pg. 162

The conflict came to live again when Cambodian successfully listed Preah Vihear temple in the U.N. Educational, Scientific, and Cultural Organization (UNESCO) in July 7, 2008. “There were bombs and tiny bullets that seemed as small as mosquitoes. We ran up the steps, trying to make it to the ancient stone walls,” said Sea Chantha, a Cambodian vendor, describing Thai fire and clusterbombs into Cambodia that destroyed the market at the base of the northern stairway, including seriously damaging the temple. “We said: let’s go there, to the ditch.” We thought it would be safe”¹⁶ The clash between soldiers of both countries broke out. The sentiment of Thailand goes on, “Cambodia was using UNESCO and World Court status as cover to help itself to Thai territory.” In early 2011, fighting on a scale far more lethal than the one that broke out in 2008 as both sides used long-rang weapons. Thai artillery shells rained down kilometers deep inside Cambodia, including cluster bombs which banned by the international community. Cambodian side used rockets to reach equally far into Thailand. The conflict remains until today causing both military clash and diplomatic tension and Thai soldiers still station inside Cambodian territory.

III. The South China Sea Issue and Its Root Causes

The potential conflicts and the tension over the South China Sea has originally arisen from a complex series of overlapping claim over islands and water that rich in oil, natural gas and the freedom of navigation. In 1995, the study made by Russian’s Research of Geology of Foreign Countries estimated that the equivalent of 6 billion barrels of oil and natural gas might be located in the Spratly Island, a claimed island between China and Vietnam. Similarity, the Pan Shiyong of the Foundation for International and Strategic Studies in Beijing estimated that oil and natural gas reserves in the Spratly islands account to 17.7 billion tons which ranks fourth in the world after

¹⁶SutsriPahom, a Thai farmer, describing the moments before her husband Chaloen was killed by a Cambodian rocket. She was interviewed by John Burgess on his visit to the site of launcher in Thailand.

Kuwait. The U.S. Geological Survey also estimated that about 60 to 70 percent¹⁷ of the regions 'hydrocarbon resources are gas making that surrounding area the lifetime of each claimant states and shows no sight to back off. The Philippines has a similar interest and position to Vietnam for its economic development and interest; and with the backup of the U.S., the tension increases and each party claims to own that sovereignty regardless of negotiation and peaceful resolutions. The control of the Spratly and other areas in the South China Sea is vital for claimants' economic interests which matches to the Realist Theory which claims the conflicts arises from struggling to expand for larger land and resources for the need of the country or in other words, the economics is the root of claimants 'extreme and aggressive stand which is the most divided issue of the conflict.¹⁸

a. The South China Sea and International Law

It's the true legality that the capitalist prosperity leads to military expansion. States in the course of rapid development do more trade with the outside world, and consequently develop global interest that requires protection by means of hard power. The economic rise of post-Civil War America in the late nineteenth century led to the building of a great navy. The culmination of industrial development in Europe at the turn of the twentieth century was an arms race that helped created WWI.¹⁹ Is the rising China and its military modernization follow the same footprint of the event in America and Europe?

It's very steepness of Asia's economic rise, especially China's GDP, from the 1970s through the first decade of the twenty-first century that causes its leaders to pound their chests with military modernization and capability. Whereas it took the Great Britain

¹⁷ The Spratlys: Challenges and Opportunity; The Manila Times: 2004; Internet: assessed on August 10, 2016.

¹⁸ Ibid; pg. 25

¹⁹ ROBERT D. KAPLAN, "ASIA'S CAULDRON: THE SOUTH CHINA SEA AND THE END OF A STABLE PACIFIC", David Lindroth Inc., New York, 2014

nearly six decades to double its per capita income during its industrial revolution following the late eighteenth century, and it took America five decades to do the same following the Civil War, China doubled its per capita income in the first decade after its late-twentieth-century takeoff. Not surprisingly, Asia's military budget spending rises as the result of economic growth and resource scarcity leading to military confrontation. In the narrative report of Desmond Ball²⁰, suggests that from the late 1980s to the late 1990s budget on national defense rose so dramatically; and countries in Asia share global military expenditure nearly doubled, meaning from 11 to 20 percent. The report also suggests that Asia's share of arms imports increased from 15 to 41 percent of the world total, one of the biggest military spending on earth. China, particularly, which its economy was upended by 1997-1998 economic crisis, its defense budget has been increased by double digits nearly every year since 1988, leading to the biggest in size of its defense budget over the past two decades.²¹ In 2011, according to the report, China's defense budget rose another 12.7 percent to nearly \$100 billion while U.S. defense budget is \$708 billion. As a matter of principle, China spends only around 2 percent of its GDP on defense, whereas the United States spends 4.7 percent.²² These pose great concern to the United States and its allies in a way that U.S. interest is subject to be shared with China in years to come.

There are possible legal binding laws that can be explained the issues over the South China Sea. That assumption, unfortunately, is hard to prove and the South China Sea is far from the specificity of the law. There are two possible sets of laws, indeed, to explain the issues – an older form governs historical claims to territory and a newer form which defined by the United Nations namely the United Nations Convention on the Law of the Sea (UNCLOS)²³, governs the maritime claims that can be measured

²⁰ Desmond Ball is the professor at the Strategic and Defense Studies Centre of the Australian National University.

²¹ U.S. Energy Information Administration, "South China Sea: Oil and Natural Gas," March 2008; Robert D. Kaplan, "China's Caribbean," Washington Post, September 26, 2010.

²² Ibid; pg. 38

²³ Ibid; pg. 57

from territorial claims. The South China Sea is where the two forms intersect and perhaps collide.²⁴

The international rules about claiming territory were laid down by those most active in acquiring it. In these bad old days, before the foundation of the League of Nations, they recognized five ways that territory could be acquired: (1) conquest through the forcible acquisition of rights over territory, (2) cession in a form that another ruler giving up their rights through a formal treaty, (3) occupation in a way of establishing an administration over territory not belonging to any other ruler which called “empty land” or terra nullius regardless of the presence of “native”, (4) prescription the form of gradual recognition of one ruler’s rights by others and the last one, (5) accretion where land is added to existing territory by reclaiming the sea. In the twentieth century, however, having acquired as much territory as they were likely to and, in the wake of two savagely destructive world wars, realizing that the costs of conflict now firmly outweighed the benefits, the victorious states decided to strike conquest from the list. And clearly stated in the United Nations Charter, further acquisitions of territory by force were outlawed.²⁵ But what if powerful country acquiring more land? Will the “finder’s keepers, loser’s weepers”?

Other countries may have been closer, other fishermen may have visited the island, other navies may even have sailed past it but Britain was the first to announce Spratly Island in a newspaper – and that is the kind of evidence that tribunal value. From such humble beginnings, claims of empire grow. It was the first act of sovereignty by any state in what we now know as the Spratly Island. Indeed, Britain discreetly revived its claim in the weeks after April 1930 when the French authorities announced that they’d dispatched a warship taken possession of Spratly Island and laid claim to all the other features within a large rectangular area of the South China Sea. The two governments

²⁴Ibid; pg. 92

²⁵ BILLY HAYTON, “THE SOUTH CHINA SEA: THE STRUGGLE FOR POWER IN ASIA,” World Print Ltd, Hong Kong, 2014, pg. 93.

exchanged diplomatic notes and legal arguments for the following two years. With the expansion of the Japanese Empire which posed great threat to their colonies neither wished to relinquish its own claim, but they both remained calm, and later the French government annexed Spratly. The announcement prompted national hysteria in China, but the fuss died down when it realized that it related to the Spratly and not to the Paracels. These clearly suggest Chinese official protest or rival annexation notices. The Philippine government, on the other hands, asserted a claim to the Spratly in July 1946 but did nothing to enforce it for decades.²⁶

The Vietnam, on the other hands, was colonized by the French with its Laos and Cambodia neighbors. When the French pulled out from Vietnam in 1956 and then the country was divided between the Communist north and the capitalist south in 1954. After years of civil wars, Vietnam again was reunited under the Communist in 1975. While it might seem logical that since France was the colonial power in Vietnam, therefore French territorial control in the South China Sea would principally fall to Vietnam after its independence, that argument is unlikely to satisfy an international court. Just like Britain, France has never formally abandoned its claim to the Spratly Islands so far. It claimed them on its own account, not on behalf of Vietnam. In respond to the pretensions of the Filipino entrepreneur Tomas Cloma, Republic of Vietnam (South Vietnam) asserted a claim to the Spratly Islands leading the cue for China to reoccupy Itu Aba.

It becomes even more complex when we discuss about the legal situation of the Republic of Vietnam itself. The Communist Democratic Republic of Vietnam (North Vietnam) viewed the Republic of Vietnam was an illegal puppet state created by the imperial powers French and American. The Democratic Republic of Vietnam (South Vietnam) regarded itself as the legitimate government for the entire country. Alternatively once could see the North and South Vietnam as two legitimate states in

²⁶Ibid; pg. 94

separate areas of the national territory. When the North Vietnam defeated the South Vietnam in 1975 they officially created a southern Communist state with its own legal personality for just over a year before uniting the two countries under a single Socialist Republic of Vietnam in 1976. The legalistic nature of international tribunals will require a claimant country to show it has established a formal claim to a territory, that it has maintained that claim and then asserted in it the face of actions by other claimants. Not surprisingly until 1975 the North Vietnam did very little to assert its claims in the South China Sea while the South Vietnam did considerably more. If the North Vietnam was the legitimate government of the whole country, then its earlier lack of action could harm its case. If the South Vietnam is the legitimate state within the national territory of Vietnam then Vietnam's case would be much stronger since it took action precisely asserting its claim to the South China Sea.²⁷

There is one particular action taken by the leadership of North Vietnam that has been used to undermine the Vietnamese claim to the islands. In 1958 the Prime Minister of North Vietnam, Pham Van Dong, sent a brief letter to his (Communist) Chinese counterpart in which he wrote that, "the Government of the Democratic Republic of Vietnam recognizes and approves the declaration made on 4 September 1958 by the Government of the People's Republic of China regarding the decision taken with respect to China's territorial sea."²⁸ This is the clear interpretation of Vietnamese commitment not to claim the islands and might seem a somewhat obscure reason to deny the Vietnamese claim to the islands but under the customs of international law it might amount what's known as an "estoppels" – It's intended to promote transparency and honesty behavior and is supposed to do the same thing in international law meaning if one party agrees that a dispute is settled, they cannot subsequently go back on their word.

²⁷ Ibid; pg. 96

²⁸ Ibid; pg. 96

Again on 23 August 1958 forces of the People's Republic of China began shelling their nationalist rivals on the islands of Jinmen and Mazu, both within a few kilometers of the Chinese mainland. Eleven days later the Communist Chinese issued a Declaration on the Territorial Sea claiming ownership of all waters up to 12 nautical miles offshore – encompassing both Jinmen and Mazu. The purpose was primarily to prevent American ships from resupplying or defending the islands. But the declaration also asserted a territorial claim to Taiwan and its surrounding islands, and to the Paracels, Macclesfield Bank and the Spratlys. It a gesture of solidarity against the American imperialist North Vietnam printed the declaration in the Communist Party newspaper *Nhan Dan* on 6 September and then, on the 14th, Pham Van Dong sent his letter. The letter didn't explicitly consent to the Communist China's claim to the islands but neither did it explicitly reject it. That failure to pretest might be sufficient grounds for a tribunal to regard the Vietnamese claim to the islands as stopped (HAYTON 2014).

b. Dispute Parties, Oil and Gas

In the first ever public declaration of a policy under the leadership of Deng Xiaoping in the discussion with Japan over the East China Sea in October 1978, and the sideline meeting with Philippine leaders in 1986 and 1988 respectively, Xiaoping said, "This generation is not wise enough to settle such a difficult issue. It would be an idea to count on the wisdom of the following generations to settle it." The statement has been the basis of Chinese state policy towards both the East and South China seas ever since.²⁹ Based on the observation above section we can assume that China's geopolitics interests have something to do with the policies toward territorial disputes. The dispute of Paracel and Spratly islands has erupted in 1970 which draw much attention of China's policies toward this regional influence and minimum risk posed by U.S. containment policy. Geographically, archipelago of Paracel is the cluster of islands which comprise of 15 islands, sand banks and reefs where situated 150 nautical miles

²⁹ Ibid; pg. 121

from Hainan Island, China and in the range of 200 miles from Da Nang, Vietnam. Spratly cluster islands are also combined of more than 100 islets and situated Southern part of South China Sea. The archipelago expands for more than 500 nautical miles from north to south. By nearest-point measures, it is less than 100 nautical miles from the coast of either Philippine Palawan or Malaysian Borneo. It is about 350 nautical miles east of the southern coast of Vietnam and about 400 nautical miles south of the Paracel archipelago.

Paracel and Spratly Islands were less significant before 1970s, these islands were just the Japanese navy base during the Pacific War. After the war ended Japanese troops withdrew from these islands, French who controlled Indochina at that time and Chinese Nationalist government were immediately reoccupied the islands. However, the claim was not only occurred in 1970 but it was happened in 1949s by People's Republic of China and in 1955 by South Vietnam. Both countries had claimed the sovereignty over these islands. In the meantime, Taiwan and North Vietnam also reiterated their rights over the Paracel and Spratly. On the ground occupation, China was the first country stationed and constructed the patrol station on Amphitrite clusters of the Paracel Island in late 1955 and the Taiwanese controls Itu Aba in the Spratly archipelago since they arrived in 1956 after the withdrawal of Japanese navy troops. But the United States' involvement in regional war had completely changed the portrait of the disputes in 1970s, however, after losing war to Vietnam communist and withdraw troops from Indochina mainland, these islands became the more strategic sea-lanes and the core of disputes once again. In term of economic perspective associated of global oil crisis in 1970, the natural resources deposit beneath the seabed raised the potential sovereign claim amongst the claimant states. According to Ministry of Geological Resources and Mining of China estimated that the South China Sea may contain 17.7 billion tons of crude oil and later this number has been estimated dramatically increase by China side and decrease by the US's Energy Information Administration. For Natural gas also had been estimated the same sense which was amounted about 900 trillion cubic feet (25.5

trillion cubic meters)³⁰ to 2 quadrillion cubic feet (56.6 trillion cubic meters). The report went on highlighting the first Philippine oil company discovered an oil field off Palawan Island (island within the South China Sea belonging to the Philippines). These oil fields supply 15% of annual oil consumption in the Philippines, according to the same study.

The economic and political dynamic significance and the pull back and forth have to rely on one important legal factor is United Nations Convention on the Law of the Sea which cannot be concluded before 1982. Although, the ambiguity of this international convention still miss up the world system while of unclear three important component, first is territorial sea, second exclusive economic zone and international water or high sea, while reflected on the disputes are likely impracticable because the claiming of exclusive economic zones are overlapped to the certain area especially in the case of Paracel with China and Vietnam. And most of claimants were seeking to claim the islands in order to expanse marine rights over the area adjunction to the island, so-called the regime of islands.

Ironically, Paracel and Spratly are sitting in the middle of the ocean and the seabed is really deep, the depth drop immediately to 1,000 meters and somewhere more deep around the shallow reefs and sand banks or islet. Therefore, the share of continental shelf is more like to use in the most cases in the disputes, yet the claiming can also include a large sea territorial and seabed beneath. According to the United Nations Convention on the Law of the Sea, the archipelago of Spratly should belong to its neighborhood, "Malaysia, Brunei, the Philippines and Vietnam", rather the historical presence that made as the evidence of China over the sovereign rights over those islands. In addition, the island of Palawan passage between Spratly and the Philippines should be placed under the Philippines territorial water and on the basis of the island on ground possession.

³⁰ The official calculations were conducted by the Chinese scientist was published on the China Daily in December 1989.

These competing claims have been in active manner occupation. During 1968 until 1971, Philippine forces occupied five islands in the Spratly archipelago and later 1979 the claim was expanded over the territorial water around these islands. Their control was expanded to seven or eight islands in total by the early 1980s. In 1974, China sent forces to expel the South Vietnamese from the Crescent Group of the Paracel Islands. After having lost the battle for the Paracel, the South Vietnamese government immediately sent troops to occupy six islands of the Spratly archipelago. These were later taken over by Vietnam communist at the end of the Vietnam War in 1975. Nevertheless, in 1980 Amboyna Cay of the Spratly group fell under the control of Vietnamese and Hanoi also continue to claim islands that used to occupy by South Vietnam forces in both Paracel and Spratly. And in 1983, the Malaysian government took its action in asserting a claim to part of the Spratly archipelago by occupying Swallow Reefs.³¹ Resulted from the use of forces to take control of island the relation of China and Vietnam has become bitter and bitter from the mid-1970 and it has the side effect to the disputes between China, Malaysia and the Philippines. Therefore, the appeasements toward conflict resolution have been seeing bumpy.

c. Military Build Up and Confrontation

The development of the South China Sea issue is getting worse before they might be getting better, in regards to the territorial and maritime resource disputes between Asian giant – China – and some of ASEAN Member States. The recently issues development presents great threat to regional stability and the freedom of navigation, to name a few

Recently in 23 of November 2013 China declared its own initiative called, “Air Defense Identification Zone”, on the East China Sea, an ear which overlapping the disputed islands, causes tension with Japan and South Korean, including series of

³¹ Chi-Kin Lo, "CHINA'S POLICY TOWARDS TERRITORIAL DISPUTES The Case of the South China Sea Islands", New York, 1989, pp. 10-24

protests from both countries. This imposed present Chinese disputed parties; including the United States and Australia to challenge Chinese own initiative air sovereignty, by flying into the declared ADIZ without asking Chinese permission, a move that angered China until now. In China's defense logic, Chinese officials were reportedly its legitimate right to declare ADIZ in respond to the Japan identified zone which declared in the same area fourthly years ago, not to mention the United States and about twenty other countries declared zones that require the respect from other country. These suggestions also in respond to some Japanese politicians' threat to shoot down any Chinese plans flying over Japanese declared airspace.

Freedom of navigation, the term express mostly by the international community mainly the United States, is strategically the United States core interest and geopolitical steppingstone in the South China Sea. This pie of interest was put into test in an incident on December 5³² when a Chinese battleship maneuvered close the United States guiding missile cruiser called "USS Cowpens", that Chinese navy accused of locking on its new aircraft carrier namely "the Liaoning" which on its deployed to the South China Sea lately.

The Philippines plays another card by brining China to the World Court, a game that helped escalated more tension. Its winning over the legal strategies at least gives China a caution move in line with international law and pressure. Vietnamese fishermen still enjoy, on the other hands, fishing in the Paracels and sometimes clashed with Chinese vessels causing war of words between the two countries.

The United States usually launch its own strategy condemning China, calling "China's movement aggressive and provocation". It sometimes urges Chinese to act in line with

³² Kyoto, "Growing Strategic Rivalry Among East Asians Great Powers: Implication for Southeast Asia and the South China Sea'", available at <https://kyotoreview.org/issue-15/growing-strategic-rivalry-among-east-asias-great-powers-implications-for-southeast-asia-and-the-south-china-sea/>

international law, particularly, the United Nations on the Law of the Sea (UNCLOS). In respond, the Chinese Foreign Ministry slams U.S. involvement in the South China Sea issue, accusing U.S. of provocations regional instability and heavily armed its proxy alliances – mainly the Philippines and Vietnam. In the war of words, both the United States and China loudly accused each other of violating international law. While the United States of America has been urging China to act in line with the international law – UNCLOS – and respect the World Court ruling, The United States Senate itself never ratified that convention. This absence of UNCLOS ratification clearly damages U.S.’s credibility when it urges other to act in line with international law, mainly UNCLOS.

The issue of the South China Sea, no question or doubt about it, presents the potential arm race in the 21st century in Asia, especially the increasing budget of ASEAN nations on national defense. According to many narrative reports, Chinese navy is very comparative compare to U.S. navy and it is now taking the role of the world’s second-largest naval fleet and it’s the second-largest military budget spending in mankind after the United States. The Stockholm International Peace and Research Institute estimated China’s 2012 defense spending at \$166 billion – a 12 per cent increase on the year before.³³ Chinese ship numbers appear even more dramatic when compared to the US Navy, which has around 96 large combatants, 72 submarines, 30 large amphibious ships, 26 small combatants and 10 aircraft carriers.³⁴ And unlike the Chinese Navy, whose ships are concentrated in one area, US Navy ships are spread around the globe. The Chinese Navy currently might pose little threat to the United States, but with its increasingly budget spending on the defense, it may one day capable to pose real threat to the US Navy ships in Asia. One Chinese academic wrote, “China doesn’t want to see the US block its sea transport lands but it doesn’t have a clear strategy about how

³³ Report of the Stockholm International Peace and Research Institute (SIPRI), “Military Expenditure Database”, released on 15 April 2013.

³⁴ Wendell Minnick, “PACAF Concludes 2nd Pacific Vision Exercise”, Defense News, 17 November 2008.

to respond. It doesn't know what to do. China's leaders are well aware, however, that they are profoundly lucky. Their unprepared military faces no immediate mortal threats and the country has time to build up its economic and military strength to face the challenges ahead. It's enjoying what its ideologues call the period of strategic opportunity – our current era of relative peace, stability and prosperity.”³⁵

There is little doubt, in the minds of China's military leadership, that if the country were to fight the United States in the next decades or two its armed forces would be humiliated and its economy blockaded and strangled. Even a small setback could cause major problems for a government craving public legitimacy. Chinese leadership is clearly trying to protect the period of strategic opportunity – military and economic strength – as they believe its enemies have nefarious plans to lure it into conflict in order to keep it weak. But this gives China a major problem. If its neighbors around the South China Sea believe that Beijing will never fight a war, then its strategic influence will be greatly reduced. It's understood that the gap between the two sides will narrow and the chances of conflict will grow. China has the ambition to drive the United States away, but it doesn't have the military capacity to do so. In the meantime each military will play up the threat from the other and enjoy the benefits of budgetary support that follow. The danger is that the two confrontation taking place in the South China Sea – one between China and the United States over access and the other between China and its neighbors over territory – will interact in unpredictable ways.

d. The U.S. Pivot Policy to Asia: Constructive or Divisive?

By 2010 officials and military planners at the U.S. Department of Defense were fully engaged with the access denial problem posed by China's military modernization. According to the report published by the Naval Institute Press released in 2014, the current U.S. responses to China's military challenge are incomplete, uncompetitive,

³⁵Ibid;pg. 222,

and impractical. The military responses are too narrowly focused and thus fail to take advantage of a full range of options that could be available to policymakers and commanders.³⁶ The report highlighted, the U.S. military forces have become highly dependent on space and computerized global communication systems. At the same time, China has already acquired a high level of expertise with both space and counterpace operation with its cyber-warfare and billions of dollars spending on the defense.

The report goes on highlighting the economic damage inside the United States and China would also be server. As an authoritarian country, with strict censorship controls and a large internal security apparatus, it is reasonable to presume that the Chinese Communist Party and government would stand a better chance to outlasting the domestic and global political backlash from the blockade's consequences. The U.S. intervention in Asia will also boost geopolitical ties between China and Russia and greatly increase Russia's overall geopolitical and economic role, as a result not in America's interest. Europe's trade with China would go through Russia, which could cause Europe to strategically drift away from the United States. The United States faces an open-ended contest with China over influence in the Asia-Pacific region. Policy makers on both sides of this contest will have to get comfortable with the fact that this competition will occur even as the two countries mutually benefit from trade and financial linkages.³⁷

IV. Cambodia's Stand towards South China Sea Issue

If we see the South China Sea issue in the realist perspective, we may then begin to see the necessary of some of its elements such as a conviction that international relations are necessarily conflictual and that international conflicts are ultimately resolves by

³⁶ ROBERT HADDICK, "FIRE ON THE WATER: China, America, and the Future of the Pacific", Naval Institute Press, 2014, pg. 102

³⁷Ibid;pg. 121

war, a high regard for the values of national security and state survival; and of course the basic skepticism that there can be progress in international politics that is comparable to that in domestic political life. “Thucydides, Machiavelli, Hobbs, and indeed all classical realists, share that view to a greater or lesser extent. They believe that the acquisition and possession of power, and the deployment and uses of power, are a central preoccupation of political activity.”³⁸ It’s clearly suggests national interest and state survival are more necessary than depending on international community or any existing international norm. The power politic in this regards is the arena of rivalry, conflict, and war between states in which the same basic problems of defending the national interest and ensuring the survival of the state repeat themselves over and over again. International relations, therefore, is to protect and defend the interest of the state in world politics. “International relations are primarily relations of states. All other actors in world politics – individuals, international organizations, NGOs, etc. – are either far less important or unimportant.”³⁹

On the other hands, if we see the South China Sea issue in the liberalist perspective, we then may come up with different approaches of dealing with this issue. Whenever we think about liberalist perspective, we then will start to understand its peaceful motto – freedom, cooperation, peace, and progress – or “the Rule of Law” of John Locke, “Liberal States Respect International Law” of Bentham, and “Republics will Establish Perpetual Peace” of Kant, to name just a few. The liberal perspective in international relation is closely connected with the emergence of the modern liberal state. Liberals generally take a positive view of human nature. They have great faith in human reason and they are convinced that rational principles – international laws and norms – can be applied to international affairs. The core concern of liberalism is peace and happiness of individual human beings. “In contrast to realists, who see the state first and foremost as a concentration and instrument of power, liberals see the state a constitutional entity

³⁸Robert; Georg; “Introduction to International Relations: Theories & Approaches”, New York: Oxford University Press Inc., 2010, pg. 59-60

³⁹Ibid; pg. 59

which establishes and enforces the rule of law... Such constitutional states would also respect each other and would deal with each other in accordance with norms of mutual toleration.”⁴⁰

These two theoretical approaches provide us foundation to see the nature of Cambodian’s foreign policy, especially its stand toward to South China Sea issue whether it profoundly trust the international institutions or placing its national interest and survival above all.

a. Flexible Engagement and Non-Interference: Cambodia’s Official Position

The South China Sea issue was silence for decades, but sadly it has once again come to live on the top agenda of ASEAN and the United States. The South China Sea is the testing milestone of both China’s relation with ASEAN and the United States commitment to its alliance which mostly involve in the dispute. If dispute parties failed to manage the issue, will the soft-power and constructive engagement principle really exist somewhere else?

Despite being paid much attention on the South China Sea issue, the current development of the issue isn’t pretty much new from its old form of development. The prediction by the United State analysts in 1990s suggested that the South China Sea will be the flashpoint for resources and influences in Asia, but until then the United States showed no commitment or any specific military present there until China made a move ahead recently. Nothing surprises that much and the current development of the South China Sea issue has not changed much since the outbreak in 1990s. We, however, have to take into account about the notable changes made when projecting it in a smaller perspective. The relationship between China and ASEAN is bitter than sweetness, not to mention military confrontation and the United States encouragement.

⁴⁰Ibid; pg. 97

The overall relations between China and ASEAN have been mutually positive and constructive more than confrontation. ASEAN Member States, including Cambodia is benefiting equally by transforming aspects of differences into the regional political, economic, social, and security dynamics following ASEAN Non-interference Principal and regional stability at large. All these fruitful transformation have long term positive impact on the behavior of dispute parties' position in the South China Sea issue whether managing issue for the Win Win Policy or playing Zero Sum Game by ignoring regional peace and security.

b. Cambodia Internal Political Pressure

In September 1, 2016, a Vietnamese facebook user Bao Lam stormed in Prime Minister Hun Sen's personal Facebook page expressing his anger on behalf of his fellow Vietnamese people which is not the first time that Cambodian Prime Minister's facebook page is verbally attacked by Vietnamese users in regard to Cambodia's position over the South China Sea. She went on saying, "Cambodia eats the porridge then pisses in the bowl," she wrote in Vietnamese, using an idiom from her country. "Vietnam has sacrificed both our blood and money to save the Cambodian people from genocide. Now, Hun Sen is turning his back on Vietnam."⁴¹

The conversation went further from not only accusing Cambodia's position over the South China Sea, with Ms. Lam saying the prime minister would not be perched in his "high chair"⁴² without Vietnamese help, referring to the Vietnamese invasion in Cambodia in 1979 to topple the Khmer Rouge Regime and backed up the government lead by then Cambodian's People Party (CPP) which is Mr. Hun Sen the President and Prime Minister Candidate. This has always been a hot spot and has been used for decades by the opposition party mainly the Cambodian National Rescues Party (CNRP)

⁴¹ The Cambodia Daily, "*Hun Sen and Vietnam: Best Friend Forever?*", available at <https://www.cambodiadaily.com/news/hun-sen-vietnam-best-friends-forever-117475/>

⁴² Ibid, pg. 14

to attract voters and pressure to government at some extents. Vietnam, not surprise, continue building several white zones and dig ponds inside Cambodian territory regardless of countless diplomatic notes and protest from Cambodia. These are the effective nationalist card for the opposition party to enjoy and won the party significant popular support.

Cambodia's past greatness, the Great Khmer Empire from 9th to 13th century, as reconstructed is another aspect of its history that has weighed heavily of most of its people and elites. The perspective of Thailand and Vietnam invasion and the utopia of bringing Cambodia back to its greatness have always been used by some of its elites, including present opposition leaders to gain popular support. "The combination of personality, domineering political habits, proximity to Thailand and Vietnam, and unrealistic notions of innate greatness blended from the 1940s onward into a volatile form of nationalism which dominated the political scene for many years and which even now is occasionally called back into play by opposition politicians in Phnom Penh."⁴³

In an interview with the Cambodia Daily about Cambodia's position over the South China Sea issue, Dr. John Ciorciari, a Cambodian scholar and associate professor at the University of Michigan's Gerald R. Ford School of Public Policy, said, "Hun Sen probably would not have chosen to antagonize Vietnam over the South China Sea absent real Chinese pressure, but his decision to do so reflects a recalibration driven both by domestic political and strategic calculations." He opted by saying, "The prime minister clearly sees a close relationship with China as his regime's key international backstop ... close ties to Vietnam are a domestic vulnerability Cambodia's opposition leaders are keen to exploit."

⁴³DAVID CHANDLER, "A History of CAMBODIA", Bangkok: O.S. Printing House; 2008, pg. 298-299

At this point, the Royal Government of Cambodia is facing two challenges, first supporting disputed states mainly Vietnam, but face domestic political pressure as the vast majority Cambodians people don't view Vietnam as "trustworthy friend", but rather "the opportunist neighbor" that has been exploiting Cambodia for centuries since the declined of the Great Khmer Empire. Second, distance itself from the issue since it's not involve in the dispute and enjoy great domestic political support, including Chinese investments and assistance, but face international criticism which is mainly U.S. allies. This tough decision might be a new test of Cambodian foreign policy after King Norodom Sihanouk's administration, but no question or doubt about it, the national interest might overweight ASEAN's Unity.

c. Cambodia's Relation with China and the U.S.

Cambodia-China Relationship: Cool and Hot Relationship – Relationship between China and Cambodia date back at least to the 3rd century and the notable one in 13th century when Cambodia reached its peak of civilization which was known as the Great Khmer Empire. According to the stone script on the wall of Cambodia's Angkor Wat and other temples noted that Chinese emissary Zhou Daguan—known in Khmer as Chiv Ta Koan—had visited the Great Khmer Empire for one year, from 1296 to 1297. He recorded every daily living of commoners and the practices of Cambodian Royal Courts and its state administration. Centuries later, ties between the two countries are at their strongest ever, but despite their long diplomatic history, China and Cambodia once again grew pretty close during the WWII after Cambodia gained its independence from the France Protectorate in the late 1953s. In the modern history of Cambodia, relationship with China is usual despite its bad images in Cambodian modern history such as Chinese support Khmer Rouge, to name a few.

The relationship developed while the globe was caught amidst a struggle between communism and democracy when World War II ended in 1945. At the time, the Kingdom of Cambodia under Head of State Prince Norodom Sihanouk declared

neutrality. Cambodia pursued relations with China in order to mitigate the influence of neighboring countries Thailand and South Vietnam that provided assistance to anti-Sihanouk rebels – the Khmer Rouge.

China's aid has helped war-torn Cambodia to build a modern infrastructure, modernize Cambodian's arm forces, and diplomatic support from Beijing helps the impoverished Cambodia fend off bullying from its neighbors mainly Thailand and Vietnam. Cambodia, however, also faces accusation by its ASEAN Member States and foreign medias as Beijing's agent to divide ASEAN Unity on critical issues particularly the South China Sea issue, but sadly ASEAN Unity never existed since its creation and each Member States has always been trying absolute everything it case to maximize its national interest.

According to the narrative study published by Voice of American (VOA) claimed that in 1997, China provided U.S. \$6 million worth of assistance to Cambodia, high-level delegations from the two nations began a regular exchange of official visits, and economic ties were strengthened after years of genocides and political turbulence in Cambodia. In December of 1997, China provided Phnom Penh's government with a loan of U.S. \$2.8 million to bolster Cambodia's military and by July 1998 the flow of investment from China to Cambodia had increased by nearly three-fold to U.S. \$113 million from U.S. \$36 million a year earlier, according to the same report. Again, in February 1999, Cambodia's Prime Minister Hun Sen paid his first ever visit to China as the leader of Cambodia and secured a free loan of U.S. \$200 million, in addition to a pledge of U.S. \$18.3 million in aid from Beijing for the development of its infrastructures and agriculture.

In addition to trades and economic assistance, China also provides military training and hardware to Cambodia. In December 1999, according to the same report of the Voice of America (VOA), China provided U.S. \$1.5 million worth of construction materials for the construction of a Cambodian military base, including military equipment's,

making China the largest source of financial assistance to Cambodia's military⁴⁴. In November 2000, President Jiang Zemin became the first Chinese leader to visit Cambodia, pledging support from Cambodia over the Taiwan's independent campaign which two years later Beijing canceled U.S. \$200 million of Phnom Penh's loan debt. Years later, China also offers interest-free loan and additional assistance worth U.S. \$12.5 million, while the two countries agreed to prioritize agriculture, human resources and infrastructure development in bilateral cooperation. Similarly in 2006, Premier Wen Jiabao paid his first state visit to Cambodia and pledged U.S. \$600 million in development assistance and loans to Cambodia, including U.S. \$33 million for the construction of a new office for Cambodia's Council of Ministers, including millions of dollars military equipment during the clash between Cambodia and Thailand over the Preah Vihear Temple.

Cambodia-U.S. Relations: Nightmares Relationship – For decades, the United States and Cambodia share both sweetness and bitter relationship as a result of armed conflict and years of proxy wars in Cambodia. The relationship between Cambodia and the United States isn't quite good and Cambodia's elites seem less interest strengthening relationship with its former carpet bomber. Backing General Lon Nol to toppled King Norodom Sihanouk in 1970 and the declaration of Republic of Cambodia gave a bitter task to the vast majority Cambodians people. With the escalation of Vietnam War, U.S. under Nixon's leadership ordered carpet-bombing Cambodia to the grown leaving UXOs twice than it dropped during the World War II, and killed a half of millions of Cambodian innocent people and children causing the nationalist movement known as the Khmer Rouge which unpredictably killed another 2 million Cambodian people mostly intellectual and public servants.

The relationships between Cambodia and the United States went worse for decades. Full diplomatic relations between Cambodia and the United States was established

⁴⁴ The narrative report published by the Voice of America (VOA) focusing on Chinese aids to Cambodia since 1997.

after the United Nations Transitional Authority in Cambodia (UNTAC) prepared the first ever National Election in 1993 after the collapsed of the Pol Pot regime. President Obama was the first incumbent U.S. President to visit Cambodia in the East Asia Summit in November 2012 hosted by Cambodia. The United States interest is mainly on human rights, good governance, prevention and awareness of HIV/AIDS, fight malnutrition and trafficking as well as corruption, including the address on environmental exploitation and effective use of natural resources, all are sensitive issues for the Cambodian's government making diplomatic tension and sometimes amid a war of words.

U.S. interest over Cambodia remain low and its assistance to Cambodia remain small compare to millions tons of bombs it dropped on Cambodia. The data released by the State Department confirmed that in 2014, U.S. foreign assistance for programs in health, education, governance, economic growth, and demining of unexploded ordnance totaled over \$77.6 million, and each year the United States donate USD\$5 million for the clearance of UXOs, according to Cambodian Mine Actions Center (CMAC). U.S., however, is the largest single country purchaser of Cambodia's exports – manufacturing output mainly garment sectors that provide Cambodians people tens of thousands job opportunities. The relationship between Cambodia and the United States goes up and down, and sometimes is worse which requires further understanding and mutual cooperation.

d. Strategic Cooperation: Rebalancing Cooperation between China and U.S.

Rebalancing the relationship between China and USA is the tough assignment for Cambodia. Cambodia may find it difficult to dance with two different people at the same time, while dancing alone might be out of date. Many experts suggest, Cambodia must always walk in the middle path neither pro-China nor pro-US, only pro-

Cambodia's interest. Cambodia seems clearly understand its position once things go too far with either China or U.S., no one will likely want to dance with Cambodia.

It's understood that the U.S. is considered as the largest Cambodian foreign market, accounting for about a half of the country's garment sector exports—an industry provides approximately 400,000 jobs to Cambodians people.⁴⁵ Cambodia is also the 5th largest recipient country of U.S. foreign assistance in Southeast Asia after Indonesia, the Philippines, Vietnam, and Myanmar. According to the same source, in 2014, the United States provided assistance worth \$70.9 million, mostly to non-governmental organizations that engaging in humanitarian and human rights work in Cambodia. Despite its past bitter relationship, Cambodia and the United States has recently engaged more actively and the relationship has been improved remarkably, but both countries need to further its commitment and bilateral ties.

U.S. interest is mainly focus on human rights related issues and good governance, and its aid is subject to strict rules and conditions, while China's assistance is without string attached. Thus, it is understood that China and US have endorsed different aid and development strategies. The United States has vigorously focus human rights, rule of law, democratization, regional security, political development and followed by socio-economic, trade and investment. Contrary, China is concentrated on developing physical infrastructure, such as roads, bridges, and public buildings, which lead to access Cambodia natural resources, business and political advantage.⁴⁶ As a matter of fact, China seems understand Cambodian need and difficulties more than the United States do.

As Machiavelli noted in his book, *The Prince*, he suggested “A prince ought never to make common cause with one more powerful than himself to injure another, unless

⁴⁵ As Cambodia Approaches China over the US, It Should Remember Machiavelli's Lessons, August 2015; published in the Diplomat: Internet accessed on 15 September 2016,

⁴⁶ VesnaVar, *Managing Big Power Relations: The Case of Cambodia*, July 30, 2016.

necessity forces him to it ... for if he wins you rest in his power, and princes must avoid as much as possible being under the will and pleasures of others.” Therefore, even though Cambodia’s relationship with great powers might be weighed differently depending on circumstances, Cambodia must never close the door of friendship and cooperation with any major power.⁴⁷

V. Analysis Assessment on Cambodia’s Stand on the South China Sea Issue

a. Cambodia’s Position and Initiated Peaceful Resolutions

The notable milestone and fruitful discussion between ASEAN and China in 2002 was the Declaration on the Conduct of Parties in the South China Sea (DOC) and the Declaration of Code of Conduct in 2012, both agreements were signed in Cambodia, have yet reached its ambition in reducing differences and promoting mutual trust for the sake of regional stability and co-existing between China and some disputed ASEAN Member States; and at the same times prevent the escalating of the issues. The agreements at some points has being playing an importantly role as a guideline for disputed parties to begin their negotiation, but the lack of political willingness among disputed states leave the agreement at dark. What else will help to resolve the issues if both DOC and COC are not even taken into account?

i. Declaration of Conduct

UNCLOS mechanism failed to solve the conflict, Association of South East Asian Nations (ASEAN) has been trying to play its maximum role reducing confrontation

⁴⁷As Cambodia Approaches China Over the US, It Should Remember Machiavelli’s Lessons, August 2015: The Diplomat: Internet accessed 15 September 2016,

and diplomatic tension with China when they realized that facing off with China isn't a good choice, both economically and military cost. In 2002 the Declaration of Conduct of parties in the South China Sea (DOC) was adopted by ASEAN – China in Phnom Penh, Cambodia. The DOC aims to ensure peaceful solutions to the disputes and at the same time to conduct maritime cooperation between disputed states in order to maintain peace and stability in the region. Although DOC was inked by China and ASEAN, however, disputed states have put less cooperation or put no effort to reduce the complexities of the issues and differences. Instead confrontation has frequently raised and states continue protesting and accusing their counterparts and campaigned the unilateral jurisdictional regulations and exclusive economic zones to claim their sovereignty in the disputed areas of the South China Sea.

The DOC clearly stated three objectives; promoting confidence-building measures, engaging in practical maritime cooperation, and setting the stage for the discussion and the conclusion of the formal and binding COC. The top priority of national interest and the poor guidelines and effective mechanism of DOC make it death before seeing sunlight. There isn't any provision of DOC explain activities that can be considered as “escalating or rising the tension”. According to the printed DOC, its provision provided little information on the specific implementation of its three main objectives, not even forms of cooperation in the South China Sea or policy guidelines to push for the goodwill cooperation.

In contrary, we can also see its good progresses on maintaining regional peace and good cooperation between China and ASEAN. It has served as the political platform for ASEAN and China to find ways based on the mutual interest of both parties. The DOC has contributed to several cases of cooperation in the South China Sea such as the tripartite joined study among China, Philippines and Vietnam from 2005 to 2008 and other economic development projects.

We also need to acknowledge DOC progressive and peaceful platform of negotiation between China and some ASEAN Member States over the South China Sea issue. A few years after DOC was signed, China and its ASEAN counterparts involving in dispute agreed to engage in maritime cooperation and those we can see in the regular ASEAN-China Senior Officials' Meeting (SOM) annually to study the possible implementation of the DOC and working groups to reduce miscommunication. This cooperation produce numbers of specific policy measures for the implementation of the DOC and helped reduce complicated and escalation of the issues for years.

China's premier Wen Jiabao said, "China would continue to be a good neighbor, a good friend and good partner of ASEAN. China is willing to work with ASEAN Member States towards a comprehensive implementation of the DOC. China is also willing to discuss the drafting the COC."⁴⁸ ASEAN and China at that time agreed to include the DOC implementation guidelines, while China at the same time pledged to provide US\$4 billion in preferential loans for infrastructure development in ASEAN Member States making cooperation is further improving. These can be argued that both China and its ASEAN counterparts are willing to cooperate and the DOC is at some points give them principles guidelines to negotiate and work together.

ii. Code of Conduct

After the Declaration of Conduct, ASEAN and China agreed to ink another agreement, Code of Conducts (COC), in Cambodia in 2012 to provide detail guidelines dealing with the South China Sea. The detailed outline focused on three main parts: the first section is the preamble listing agreement between ASEAN and China's obligation to settle the disputes peacefully in accordance with international law, including UNCLOS. The second section suggests the operative provision of the COC and effective mechanism to monitor the implement of the code. The last section recommends that

⁴⁸Premier Wen Jiabao attended the China-ASEAN foreign Ministers' Meeting in the Philippines in November 2011.

the signatories accept in the dispute settlement mechanism included in the ASEAN Treaty of Amity and Cooperation in the Southeast Asia (TAC). Differ from the DOC's; the COC is likely having more binding force for the signatories to strictly compliance.

In 15 of September 2013, China and ASEAN Senior Officials Meeting on the Code of Conduct (COC) was hosted by China in Suzhou which all parties agreed to kick of the progress of COC and its peaceful principles on observing and adopting a peaceful approach in regards to the South China Sea issue and differences. This development must a bit upset the United States effort in turning the issues into more controversial with its alliances in Asia.

The existing ASEAN mechanism can be compliance by concern parties, but it requires substantial which requires good cooperation and political goodwill. Expecting political goodwill might be the greatest challenges since each disputed party will always have differences external and internal pressures or goals to accomplish. The DOC and COC were signed, indeed, but have no legal binding force or mechanism besides urging disputes parties to act in line with its regulations and provision; it has nothing else to weights the peaceful solutions, not to mention the UNCLOS. The absence of legal biding force of DOC and COC and the lack of good coordination between ASEAN and China are also the source of disputes and rising tensions in the South China Sea, including the intervention of the United States and its alliances. This political unwillingness and the act of aggressiveness of each dispute party have been contributed to the difficulties of dealing the issues or even enable DOC and COC to die before giving its birth.

In the provision of the COC, there isn't any specific mentioned over the geographical coverage of the area; and thus disputed parties have always been argued that their actions are legally in their legitimate maritime and exclusive economic zones which cause the rising tensions and military confrontation. In addition to this poor provision, the absence of specific actions to "illegal and non-compliance" further complicated the

issues and the implementation of COC and DOC. This political unwilling and distrust among dispute parties make COC and DOC find it difficult to even further improve its weakness and apply into the practices.

The implementation of COC is rational to conclude that it will progress, but not be an easy journey. There will be very tough, no question or doubt about it, discussion and negotiation on the amendment to better understanding and implementation about its provisions toward the issue. And it's necessary to keep in mind that, COC will never able to safeguard regional peace and stability when disputed parties put no effort in political goodwill and sharing interest.

b. Cambodia National Interest with China

Just like the Philippines and Vietnam that received billions of dollars, not to mention military hardware, from the United States for taking the frontline with China over the South China Sea, Cambodia enjoys the same things. China is Cambodia's largest foreign donors and trade partner in 2010. According to data compiled by Cambodia's government, Beijing has provided Phnom Penh with nearly U.S. \$3 billion in loans for 47 development projects and U.S. \$180 million in grants for another 10 projects since 2002. The largest of the 10 grants is the U.S. \$150 million agreement made in October last year for the construction of a sports complex ahead of Cambodia's turn as host of the Southeast Asia Games (SEA Games) in 2023.

Beside financial and technical assistance, China is also the leading country in investment in the Kingdom. According to the report of the Ministry of Commerce, bilateral trade between China and Cambodia is expected to worth more than \$5 billion⁴⁹ by 2017, up from \$3.75 billion last year. In an interview with the Cambodia Daily, His Excellency Chhoun Dara, a secretary of state at the Ministry of Commerce, told a workshop on exporting products to China that the government had estimated

⁴⁹The report of Cambodia Ministry of Commerce, issued on June 22, 2015

bilateral trade, which was worth \$3.75 billion last year, would reach \$4.21 billion this year.

According to the same report, bilateral trade is expected to be worth \$4.31 billion in 2016, with trade between the two countries expected to hit the \$5.01 billion mark by 2017. This equates to a one-third increase in trade value over the next three years. Mr. Chhoun Dara went on saying; “In the Cambodia-Chinese Economic Trade and Investment 5-year plan (2013-2017), according to Cambodia and China’s cordial cooperation plan, Cambodia has estimated the bilateral trade volume to be worth \$4.21 billion for 2015, \$4.31 billion for 2016 and \$5.01 billion for 2017.”⁵⁰ As China’s economy continues to expand, bilateral trade between Cambodia and China is likely to increase more quickly than trade between Cambodia and Western countries.

c. Perspective of Cambodian Scholars and Policy-Makers

Ear Sophal⁵¹, the author of *Aid Dependence in Cambodia: How Foreign Assistance Undermines Democracy*, said; “Chinese aid has done little to contribute to the sustainable development of Cambodia because the agreements lack transparency and fail to hold Cambodia accountable for how the money is spent.”

Dr. Ear Sophal added, “On the surface, Cambodia maintains that it is independent. However, in practice, it seems obvious that Cambodia has been China’s spokesperson for the South China Sea since 2012. The continuation of Cambodia’s stance will be increasingly difficult going forward as claimant states who are members of ASEAN will clamor for Cambodia to stop representing China’s views.” Viewing Cambodia’s

⁵⁰ The Cambodia Daily, “Cambodia-China Trade to Top \$5 billion in 2017”, issued on June 23, 2015 available at <https://www.cambodiadaily.com/business/cambodia-china-trade-to-top-5-billion-by-2017-86222/>

⁵¹ Dr. Ear Sophal is an associate Professor, Diplomacy & World Affairs at OXY Occidental College, Los Angeles, California. The interview was made through exchanges of email and the views do not reflex the view of the author. The interview aims to give balance perspectives regarding the South China Sea rather than giving a bias perspective towards the issues.

position over the South China Sea as short term version he advised, “Not being a claimant state, it should be to support Cambodia’s national interest, whether it be to gain access through shipping lanes, to buy oil/gas if it is cheaper (shorter distance, lower transaction cost), to profit from the passage of oil/gas and other maritime resources, but basically to be a good member of ASEAN and support ASEAN’s common interests.”

Cheunboran Chanborey, a research fellow and a PhD candidate of the Strategic and Defense Studies Centre, the Australian National University; defends Cambodia’s position on the South China Sea. He provides the projection of solving the issue through the existing mechanism and framework such as, (1) continuing implementing the declaration of conduct (DOC); (2) urging ASEAN and China to make the utmost effort to finalize the code of conduct (COC); and (3) encouraging countries concerned to discuss and resolve their issue bilaterally.

The remark of Cambodian Prime Minister suggested that, “ASEAN cannot measure land for any other claimant states. The South China Sea is not an issue between ASEAN and China.” The claimant states should have settled the problem bilaterally like the way that Cambodia and Thailand dealing with Preah Vihea issue since 2008 without asking support from other ASEAN members.”⁵²

Borey explained Cambodia government policy in a short-term, Phnom Penh believe that provisional alignment with China can be given its security and development objectives. For medium term, Cambodia must play a role in promoting organization’s centrality in Southeast Asia and be a proactive member of ASEAN. He went on suggesting, “Creating a good environment to strengthen its relations with other major powers in Asia and beyond is also an objective to consider. In a long run, Cambodia must adopt a self-reliant foreign policy. Being as a small state, seeking for large

⁵²The South China Sea and ASEAN Unity; Cambodian Perspective, 2016: ASEAN Studies Program: Internet accessed on 12 September 2016,

number of friends in the region as well as in global while maintaining the freedom to be itself as a sovereign, independent, and prosperous nation. It is a key for Cambodia to ensure the equality and survival of small countries.”

Just like other Cambodian policymakers, Borey expresses his concern over the loyalty of Cambodian’s neighbors mainly Thailand and Vietnam. He stated, “In the near future, Cambodia relation with China will depend on the foreign policy behaviors of Thailand and Vietnam toward Cambodia.” He added, “... Ensure that the small kingdom like Cambodia to survive, secure its sovereignty, and pursuit of prosperity it’s important to see the reaction of its neighboring countries. In any case that neighboring countries bring Cambodia difficulties then making alignment with powerful state like China, Cambodia will remain serving its own interest and safety.”

He views Cambodian’s position is righteous, saying as a small state, getting support and assistance from the great powers like China and USA, is very important for economic development and safeguarding territorial integrity. He went on saying; China has played an increasingly important role in economic development of Cambodia such as primary trading partner, largest source of FDI, and the top provider of development assistance and soft-loans. Moreover, Cambodia will benefit from new Chinese initiatives such as the Maritime Silk Road and the Asian Infrastructure Investment Bank when region is at peace and stable. Beside economic interest, China is the biggest source of assistance to Cambodia’s military modernization. When Cambodia, for instance, faced an increasing border tension with Thailand over Cambodian Preah Vihear Temple from 2008 to 2011, China was the major military assistance to the improving Cambodia army’s capacity in national defense.

The two perspectives give us different approaches over Cambodia’s nature of foreign policy, especially its stand toward the South China Sea issue. If we view it in the realist perspective, Cambodia’s stand is righteous and responsive to its geopolitical vulnerability. It will give us further understanding if we focus some parts of the study

into Cambodian political history, its location, topography, and demographic weakness which have means that its history often been entangled with Thailand and Vietnam. “These countries, in turn and because of their size, have consistently tried to patronize or absorb their neighbor. Having Vietnam next door in the 1820s and 1830s led to a Vietnamese protectorate, and de facto Thai protectorate had been in effect at several points in preceding centuries.”⁵³ It therefore might be another secure choice to ensure its survival and promote economic interest while at the same time maintaining regional peace and stability. “Given the economic, political and social changes sweeping across the region, it is hard to imagine that ASEAN will remain unchanged as an institution.”⁵⁴ Promoting ASEAN interest is important and absolute goal, of course, but without regional peace and stability, those interests cannot be secured. The political and unity within ASEAN Member States is necessary, but it require sharing cost and turning the association against China for the interest of a few remembers seem far more from the rationality of the creation of ASEAN and its principles of peaceful resolution like the existing Declaration of Conduct (DOC) and the Code of Conduct (COC) over the South China Sea issue.

The liberalist, however, also gives us considerable perspective of Cambodia’s stand toward this emerging issue. Resolve the South China Sea issue by the international law and norms is likely more civilized, but the due process and the cost of peace seem expensive while China itself understood the game, a game it never expected to win when those existing international institutions are dominated by the United States and its alliance, some are Chinese historical and strategic rivalries – Japan and South Korea – over brutal colonial rule and economic interest. The South China Sea is Chinese strategic survival against the American containment policy and its military based in the Philippines, Japan, and South Korea, to name a few. Chinese elites’ perspective which likely be hunted by its own old wounded when French and British soldiers stormed in

⁵³ Ibid; pg. 297

⁵⁴ KAO KIM HOURN, “ASEAN’s Non-Interference Policy: principles under pressure?”; London: ASEAN ACADEMIC PRESS; 1998, pg. 17

China in the WWII through the South China Sea. Expecting international community and institutions to act in line with its profession seem not rational in Chinese and the rest of other states' perspective, because these organizations survive through fund provided by mostly the United States and its alliances, a club that not trusted by China and some others. And the interference of the United States into the issue will present challenges to regional stability rather than prosperity.

VI. Conclusion and Policy Recommendation

Cambodia has always been painted by some ASEAN hardliners and media outlets as the “Chinese puppet” protecting China’s interest and divide ASEAN’s unity in an exchanges of millions of dollars loans and investment. The accusation is naïve and so judgmental. If Cambodia is the Chinese puppet, then shall the Philippines and Vietnam are viewed as another American puppets for enjoying millions of dollars economic and military assistance regardless of worse human rights practices?

ASEAN has already openly divided on how the South China Sea should be handled – multilaterally or bilaterally – this could undermine the viability of successful pursuit of constructive engagement or existing framework of ASEAN like DOC and COC. Without the presence of the United States, the South China Sea issue was about to put into rest. But the heat is again arising when the United States switches its interest towards Asia, an ambition to reduce China’s influence.

The military confrontation between ASEAN and China presents great risk of regional stability and economic prosperity making such move a costly and deadly strategic. Although ASEAN has no military power and unwilling to do so, but ASEAN Member States themselves shall not ignore this significant risk and had better focus on its peaceful principles and milestones of achieving ASEAN Economic Community and

others. Military confrontation and the great power rivalries between China and the United States will bring ASEAN to the new level of nightmare and division within its own created association, the development that cannot be denied or underestimated.

The South China Sea issue cannot be resolved over night, but it needs the slow and determine consultation for the legal binding existing regional mechanism like the Declaration of Conduct (DOC) and the Code of Conduct (COC) – the guiding principles of peaceful resolution toward such geopolitical challenges issue. The power rivalries between China, not with ASEAN, with the United States present greater opportunity for military industry machineries to trigger the issues for the increased spending of ASEAN Member States' budget on national defense making the dark age of arm race in ASEAN. This status quo present even much greater military confrontation between member states and member states of ASEAN, many of whom to solve territory disputes with their neighbors. These levels of insecurity and confrontation will not present any benefit, but costly both economically and stability of the region.

Geopolitics and the strategic rivalry for influence and economic interest among China and the United States can only make things issues becoming worse and present great threats to regional peace and prosperity following ASEAN Non-interference Principal. Will Cambodia joining ASEAN to condemn China provide a significant improvement over the issue or even makes it worse? The question remains unanswered, but sadly Cambodia and her fellows ASEAN impoverished states have always been painted as “Chinese puppet” regardless of their efforts seeking for mutual trust and peaceful resolutions over the issues.

Reference

- Burgess, John. *TEMPLE IN THE CLOUDS: Faith and Conflict at Preah Vihear*. Bangkok: Bangkok Printing Co., Ltd. , 2008.
- Chanborey, Cheunboran. "The South China Sea and ASEAN Unity: A Cambodian Perspective ." *CAMBODIAN INSTITUTE FOR STRATEGIC STUDIES*, 2016: 2.
- CHANDLER, DAVID. *A History of CAMBODIA*. Bangkok: O.S. Printing House , 2008.
- DAVISON, and J. DOSCH Eds. . *The new global politics of the Asia Pacific*. London: Routledge, 2009.
- HAYTON, BILL. *THE SOUTH CHINA SEA: The Struggle for Power in Asia*. Hong Kong: World Print Ltd, 2014.
- HOURN, KAO KIM. *Asean's Non-Interference Policy: Principles under Pressure?* London: ASEAN ACADEMIC PRESS , 1998.
- "Hun Sen's Remarks at the Graduation Ceremony of the Royal School of Administration ." *Phnom Penh Post*, 2016.
- Jackson, Robert. "Introduction to International Relations: Theories and Approaches." New York : Oxford University Press Inc.,, 2010.
- JONES, L. "ASEAN's unchanged melody?" *The Pacific Review*, 2010: 479-502.
- KAPLAN, ROBERT D. *ASIA'S CAULDRON: THE SOUTH CHINA SEA AND THE END OF A STABLE PACIFIC*. New York: David Lindroth Inc., 2014.
- Kaplan, Robert D. *South China Sea: Oil and Natural Gas*. Washington: Washington Post , 2010.
- Phanna, Seng. "The South China Sea Conflict: New Preventive Diplomacy for a Tension Reduction and a Possible Solution." SEOUL, 2012.
- SOCHEAT, OUM. *THE SOUTH CHINA SEA*. Master Thesis, Seoul: Seoul National University, 2014.

STUBBS, R. "The ASEAN alternative? Ideas, institutions and the challenge to 'global' governance." *The Pacific Review*, 2008: 451-468.

STUDIES, CAMBODIAN INSTITUTE FOR STRATEGIC. "INDO-PACIFIC STRATEGIC REVIEW." *Understanding China-Cambodia Relations*, June 1, 2016: 17.

요약 (국문초록)

중대한 지역적 이슈가 부상하는 오늘날, 캄보디아는 현재까지 그에 대한 역할과 영향력을 아직 확보하지 못하였다. 남중국해 문제는 ASEAN의 화합을 분열시키고 역사상 47년만의 공동성명 공표 실패의 근본적인 이슈로 남아있다. 그에 더하여, 예를들자면, 캄보디아가 ASEAN 정상회의 의장을 맡던 2002년 개시되었던 남중국해행동규칙(Code of Conduct)과, ASEAN 정상회의의장을맡던 2012년 지역적 안정성과 평화를 촉진시키는 중대한 사건이 되었던 행동선언(Declaration of Conduct)은, 미미한 협력과 관련 당사자들의 의견차이 간격 축소가 어려운 관계로 불확실한 상태에 정착해있다.

라오스에서 열린 2016 ASEAN 정상회의에서 또다시, 중국의 군사활동을 비난하고 미국의 오랜 동맹국이자 미국의 피봇 투 아시아(Pivot to Asia) 정책에 대한 전략적 지원의 동반자 관계인 필리핀을 우대하는 법원 평결의 즉각적인 시행을 재촉하는 공동성명 내의 강경한 언어를 반대하는 캄보디아의 입장이 중국에 의해 매수되었다는 비난을 받았다. 이런 의견차이는, ASEAN 공동체를 유일하게 반대한다는 주장에 의한 ASEAN에서의 “캄보디아탈퇴(Cambodia Exit)” 제안을 야기했다. 캄보디아에게는 지역적 평화와 안정성에대한 피해 최소화 촉진 능력을 시험해볼 수 있는 중대한 기회가 주어졌지만, 여태까지 주목할만한 아무런 업적을 생산해내지 못하였다.

이 논문은 캄보디아의 외교 정책과 입장, 국가적 이익을 충족시키기 위하여 지역적 세계적 정치 환경에 대한 방향을 제시해줄 수 있는 기회와 난제를 살펴본다. 또한, 이 논문은 중립성 원칙에 따라 정책에 대한 영향력과 자국의 입장을 유지함과 동시에 지역적 평화와 안정성을 촉진하기 위한, (남중국해와같은) 지역 문제에 대한 캄보디아의 주도적 노력에 대한 중요성을 설명하고자 한다. 이 논문은 더 나아가 정치적으로 복잡한 현 상황에서 남중국해

문제에 대하여 능력치에 한해 추구할 수 있는 최대 이익에 대한 캄보디아
외교정책의 도전과 그 영향에 대한 가설을 제시한다.

주요어: (한글키워드: 7-8 단어): 남중국해이슈, 남중국해에 관한 캄보디아의 입장,
SCS에서 캄보디아의 입장, 캄보디아의 중미관계, 캄보디아-중국관계, SCS에 관한
ASEAN-중국관계.
학번: 2015-25112